FELICITATIONS TO SIR M. VISVESVARAYA ON HIS 101ST BIRTHDAY.

Mr. SPEAKER.—I learn that Sri M. Visveswaraya has attained the age of 101. It is a great achievement for the nation and a joy for all of us. I join with the members of this House in felicitating him and wishing him still a longer life and more useful service to our country.

ಶ್ರೀ ಬಿ. ಡಿ. ಜತ್ತಿ.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರು ಹೇಳಿದ ಪ್ರಕಾರ ಇವೊತ್ತು ಶ್ರೀ ಎಂ. ವಿಶ್ವೇಶ್ವರಯ್ಯನವರ ಹುಟ್ಟು ಹಬ್ಬ-ನೂರುವರ್ಷ ತುಂಬಿ 101 ನೆಯ ವರ್ಷದಲ್ಲಿ ಕಾಲಿಡುತ್ತಿದ್ದಾರೆ. ಇವರು ನಮ್ಮ ಮೈಸೂರು ರಾಜ್ಯಕ್ಕೆ ಹಾಗೂ ಇಂಡಿಯಾ ದೇಶಕ್ಕೆ ಮಹದುಪಕಾರ ಮಾಡಿದ್ದಾರೆ. ದೇವರು ಅವರಿಗೆ ಇನ್ನೂ ಹೆಚ್ಚಿನ ಆಯುರಾರೋಗ್ಯವನ್ನು ಕೊಡಲಿ ಎಂದು ನಾನು ಅಧ್ಯಕ್ಷರ ಕೂಡ ಸಹಕರಿಸುತ್ತೇನೆ.

†Sri J. B. MALLARADHYA.—Sir, it is a matter of great privilege to associate myself with the sentiments expressed by the Hon'ble Speaker and the Hon'ble Leader of the House in felicitating Dr. Mokshagundam Visvesvaraya on his attaining 101st year. It is hardly necessary for me to recall the valuable services rendered to the country in general and to this in particular. He has been the architect of modern Mysore. There is no single field of human endeavour which he has not touched, and touched with magic touch and rendered it more useful and more fertile. To us in particular, as members of the Legislature, we have to remember with very great gratitude that he was one of those who accelerated the tempo of democratic institutions and the participation of private individuals progressively in the governance of the State, and we are grateful to him for the valuable services rendered by him. We wish to pray to the Almighty that he may be spared for quite a long time and that we may be enabled to have many returns of the day. I request that the Hon'ble Speaker may be pleased to send the felicitations to Sir Visvesvaraya on behalf of the entire House.

MYSORE LAND REFORMS BILL, 1961 AS REPORTED BY JOINT SELECT COMMITTEE CONSIDERATION OF CLAUSES *contd.*

Clause 89

Mr. SPEAKER.—Clause 89. There is an amendment by Sri Puttanna. He is not here. The second amendment is in the name of Sri Puttanna. The third amendment also is in the name of Sri Puttanna. The fourth one stands in the name of Sri B. G. Khot.

Sri B. G. KHOT.—(Sadalga) I wish to modify the amendment. Instead of the second line, the following may be substituted : "Persons more than one of any one village or two or more contiguous villages."

Mr. SPEAKER.—It is not possible as it will be very substantial.

Sri B. G. KHOT.—It does not matter, Sir. It is not material..

Mr. SPEAKER.—As it is substantial, he cannot modify it.

Sri B. G. KHOT.—Then I will move my amendment, Sir. I beg to move:

"That for the word "fifty" the word "hundred" shall be substituted."

Mr. SPEAKER.—Amendment moved :

"That for the word "fifty" the word "hundred" shall be substituted".

†ಶ್ರೀ ಬಿ. ಜಿ. ಖೋತ್.—ಐವತ್ತು ಎಕರೆ ಎಂದು ನಮೂದುಮಾಡಿರುವುದು standard ಎಕರೆಯೋ ordinary ಎಕರೆಯೋ ಎನ್ನುವುದನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ಮಾಡಿಲ್ಲ.

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಆರ್ಡಿನರಿ ಎಕರೆಗಳು.

ಶ್ರೀ ಬಿ. ಜಿ. ಖೋತ್.—Co-operative farm ಮಾಡುವ ಪ್ರಕರಣವನ್ನು ಇಲ್ಲಿ ಹಾಕಿದ್ದಾರೆ. ಇದು ಉಳುವವನೇ ಒಡೆಯ. ಎಂಬ ತತ್ವಕ್ಕೆ ವಿರೋಧವಾಗಿದೆ. ಇದನ್ನು ಹಾಕಬಾರದಾಗಿತ್ತು. ಗೇಣಿದಾರನಿಗೆ ಜಮೀನಿನ ಬಡತನವನ್ನು ಖಾಯಂಮಾಡುತ್ತೀರಿ. ನಂತರ ಅವರು co-operative farm ಮಾಡಿಕೊಂಡರೆ ಅವರು ಕೇವಲ ನಾಮಧಾರಿಗಳಾಗಿ ಉಳಿಯುತ್ತಾರೆ. ಕೋ ಆಪರೇಟಿವ್ ಫಾರಂನಲ್ಲಿ ಷೇರು ಹೋಲ್ಡರ್ಸ್ ಆದವನು ಜಮೀನು ಮಾಲೀಕನೆಂದು ಒಂದು ಚೂರು ಕಾಗದದಮೇಲೆ ಮಾತ್ರವಿರುತ್ತದೆ. ಗೇಣೀದಾರನಿಗೆ ಹೆಚ್ಚುಲಾಭ ದೊರೆಯಲು ಶಕ್ಯವಿಲ್ಲ. ಕೋ ಆಪರೇಟಿವ್ ಫಾರಂ ಮಾಡಬೇಕಾದರೆ ಹತ್ತುಜನ ಅಥವಾ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚುಜನ ಸೇರಬೇಕೆಂದಿದೆ. ಒಂದು ಜಮೀನನ್ನು ಇಬ್ಬರು ಮಾಡಿದರೆ, ಅವರೇ ಕೊಡುವುದಿಲ್ಲ co-operative farming ಯಶಸ್ವಿಯಾಗುತ್ತದೆಯೋ ಇಲ್ಲವೋ ಎನ್ನುವ ವಿಷಯ ಬೇರೆ. ಅಂತೂ ಈ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ chapter ಸಹ ಇದರಲ್ಲಿ ಹಾಕಿದ್ದಾರೆ. ನನ್ನ ಅಭಿಪ್ರಾಯದಲ್ಲಿ ಇಬ್ಬರು ಅಥವಾ ಇಬ್ಬರಿಗಿಂತ ಹೆಚ್ಚು ಜನರು ಸೇರಿ ಸಹಕಾರಿ ಬೇಸಾಯ ಮಾಡಲಕ್ಕೆ ಬರಬೇಕು. ಈ ರೀತಿ ಬದಲಾವಣೆ ಮಾಡಬೇಕು ಮತ್ತು ನನ್ನ ತಿದ್ದುಪಡಿಯನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

Sri KADIDAL MANJAPPA.—The amendment is not acceptable, Sir.

Mr. SPEAKER.—The question is;

"That for the word "fifty" the word "hundred" shall be substituted."

The amendment was negatived.

Mr. SPEAKER.—I request the Hon'ble Member Sri Venkatai Gowda to see section 24(2) where "person" has been defined and it has been accepted by the House. So, I will put the clause.

The question is:

"That Clause 89 stand part of the Bill."

The motion was adopted.

Clause 89 was added to the Billl.

Mr. SPEAKER.—Clause 90 and 91. The question is:

"That Clauses 90 and 91 stand part of the Bill."

The motion was adopted.

Clauses 90 and 91 were added to the Bill.

Mr. SPEAKER.—Clause 92. I would like to take the amendment of Sri B. G. Khot first *i.e.*, item 203.

Sri B. G. KHOT.—I beg to move:

"That sub-clause (3) shall be deleted."

Mr. SPEAKER.—Amendment moved:

"That sub-clause (3) shall be deleted."

† Sri B. G. KHOT.—Clause 92(2) says:

"If any person is admitted as a member of a Co-operative Farm after its registration, the possession of the lands held by and in the possession of such member in respect of which he becomes a member, shall stand transferred to the Co-operative Farm."

Sub-clause (3) says:

"No member of a Co-operative Farm shall withdraw his membership unless he satisfies such conditions as may be prescribed."

ಈ ರಿಸ್ಟ್ರಿಕ್ಷನ್ ಏಕೆ ಹಾಕುತ್ತೀರ? ಮೆಂಬರರು ಲಯಬಿಲಿಟೀಸ್, ಡ್ಯೂಸ್ ಇದ್ದರೆ ಕೊಡಬೇಕು. But he must be free to withdraw. ಕ್ಲಾಸ್ ವಿತ್‌ಡ್ರಾ ಮಾಡಿ, ಇಲ್ಲಿ ಕೆಲವು ಕಂಡೀಶನ್ ಹಾಕಿ ಮಾಡಿಫೈ ಮಾಡಿ. ಈ ಸಬ್ ಕ್ಲಾಸನ್ನು ಡಿಲೀಟ್ ಮಾಡಿ ಎಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

† Sri KADIDAL MANJAPPA.—Sir, nobody can be compelled to join the Co-operative Farm. Only if a person has faith in the Co-operative Farm, then, he can join subject to the conditions prescribed. When he joins, he joins with open eyes. Therefore, this clause is very necessary and the amendment is not acceptable.

Mr. SPEAKER.—The question is:

"That sub-clause (3) shall be deleted."

The amendment was negatived.

Sri J. B. MALLARADHYA (Nanjangud).—Sir, I beg to move:

"That for sub-clause (3) the following sub-clause shall be substituted: *viz.*

(3) Any member of a Co-operative Farm may withdraw his membership after giving six months' notice in writing of his intention to do so, ending with the agricultural year."

Mr. SPEAKER.—Amendment moved:

"That for sub-clause (3), the following sub-clause shall be substituted.

(3) Any member of a Co-operative Farm may withdraw his membership after giving six months' notice in writing of his intention to do so, ending with the agricultural year."

† Sri J. B. MALLARADHYA.—Sir, I was rather amused at the speech made by the Hon'ble Revenue Minister when he replied to Mr. Khot's amendment. Things are no so whimsical. It is with the full knowledge of the Co-operative Society, people will join the society, but, if the circumstances warrant such a decision, what is the position of the member? Sir, it is not unusual that in villages various extraneous considerations come up and it may become impossible for a certain set of people to continue as members of the Co-operative Farm. There may be other considerations which may be predominantly political which may come up and which would make certain members to continue in the Co-operative Farms. Sir, instances are not wanting either in the Mysore State or other parts of the country where Co-operative Farms are a failure because of the absession created in the minds of the people for political conditions. What is suggested in my amendment is not to kill the enterprise of co-operative movement in the villages but, I want a changed atmosphere to be created in the minds of the people where the Co-operative Farms may prosper. I have suggested that a person must give six months notice. So, there will be sufficient time for the other members of the society to persuade him to stick to it. They may sit together and discuss the difference and persuade him to stay in the society. It is not as if the whole society work will get suspended. Ultimately, he must have the option of leaving the society if he so desires. So, Sir, I do not think this amendment is likely to cause a serious set back or any set back at all. I want the Hon'ble Minister to kindly consider this and accept the idea; otherwise, the whole idea of willing co-operation will be taken away. It is incongruous. When a person is voluntarily stepping into the society, why not he have the right of leaving it and why should he be prevented from going out of it if the atmosphere is not congenial and is not in consonance with the co-operative movement?

† Sri V. SRINIVASA SHETTY (Coondapur).—Sir, the Government have been showing lip sympathy to the co-operative societies and ultimately, they have come out with the statement that nobody is compelled to join the Co-operative Farm or remain in the Co-operative Farm. The sub-clause is clear: "no member of the Co-operative Farm shall be permitted to withdraw unless under such conditions as may be prescribed......"

Sir, let us visualise the situation when the Government prescribed the rules. They may prescribe such rules so that he will be unable to withdraw from the society or withdraw his land from the society. In one breath you say, he is free to join the society and free to get out, but is another breath you may prescribe such rules as to make him impossible to withdraw. Sir, we are not against Co-operative Farms but we are against regimentation, or making any member unable to withdraw. The amendment of my friend clearly says that a member should not withdraw in the middle of the year and cause inconvenience to other members. He will give six months' notice and then withdraw.

(Sri V. SRINIVASA SHETTY)

Just like Abhimanyu there is no way out for him. It is against the fundamental right of freedom of association. We are not against this association at all. Let him give six months' notice in writing of his intention to withdraw ending with the agricultural year so that he will not incovenience anyone at all in the society. This is one of the most reasonable amendments we are proposing. We know that reason does not prevail with the ruling party.

9-30 A.M.

Sri KADIDAL MANJAPPA.—That is an uncharitable remark.

Sri V. SRINIVASA SHETTY.—Under what conditions he is to withdraw or to enter the society—this is very vague. With due deference to the Hon'ble Minister this is one of the important matters which he should consider very seriously.

†Sri KADIDAL MANJAPPA.—There is no bar aginst withdrawal. The withdrawal is subject to the conditions prescribed. Even under the Co-operative Societies Act, a member can join the society and withdraw subject to certain conditions. My Learned Friend Sri Srinivasa Shetty said that Government may frame rules in such a manner as to make it impossible for any members to withdraw. It must be remembered that those rules are bound to come before the Legislature. There is a lot of difference between ordinary societies and a co-operative farming society. When some agriculturists form a farming society they have got certain schemes and programmes and they have to incur certain liabilities. It will therefore be not correct to allow persons to join a farming society as and when they please and get out of it after giving 6 months' notice. When a co-operative farm is registered, they will have to purchace equipment, incur debts and do so many other things. So we cannot allow individual members to walk out of the society in a whimsica manner. They will be allowed to walk out subject to certain conditionl that will be prescribed. As I said, the rules will also be laid on the tables of the House when they are framed. Therefore, there is no need for this amendment.

Mr. SPEAKER.— The question is :

"That for sub-clause (3) the following sub-clause shall be substituted :—

"(3) Any member of a co-operative farm may withdraw his membership after giving six months' notice in writing of his intention to do so, ending with the agricultural year."

The Amendment was negatived.

Sri B. G. KHOT.—Sir, I beg to move :

"That in sub-clauee (4) the words 'subject to......prescribed' shall be deleted."

Mr. SPEAKER.—Amendment moved :

"That in sub-clause (4) the words 'subject to......prescribed' shall be deleted."

*ಶ್ರೀ ಬಿ. ಜಿ. ಖೋತ್.—ನಾನು ತಿದ್ದುಪಡಿಯಲ್ಲಿ ಹೇಳಿರುವುದೇ ಇದರ ಉದ್ದೇಶವನ್ನು ಸ್ಪಷ್ಟಪಡಿಸುತ್ತದೆ, ಇನ್ನು ಹೆಚ್ಚಿನ ವಿವರಣೆ ಅಗತ್ಯವಿಲ್ಲವೆಂದು ಕಾಣುತ್ತದೆ. Subject to such conditions ಎನ್ನುವುದು ಬೇಡ. ಎಂಥ ಒಂದು ಷರತ್ತನ್ನು ಏಕೆ ಹಾಕುವುದು ? ಅವನ ಇಚ್ಛೆ ಯಿದ್ದರೆ ಇರಲಿ, ಇಲ್ಲದಿದ್ದರೆ ಬೇಡ.

†ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಹಿಂದೆ ಅವರಿಗೆ ಹೇಳಿದ ಉತ್ತರವೇ ಇದಕ್ಕೂ ಅನ್ವಯಿಸುತ್ತದೆ.

Mr. SPEAKER.—The question is:

"That in sub-clause (4) the words 'subject to......prescribed' shall be deleted."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That Clause 92 stand part of the Bill."

Motion was adopted.

Clauses 92 was added to the Bill.

Mr. SPEAKER.—The question is:

"That Clauses 93 and 94 stand part of the Bill."

The motion was adopted

Clauses 93 and 94 were added to the Bill.

Clause 95

Sri B. G. KOTH.—Sir, I beg to move:

"That the following words shall be added at the end 'with its approval'."

Mr. SPEAKER.—Amendment moved:

"That the following words shall be added at the end "with its approval."

†ಶ್ರೀ ಬಿ. ಜಿ. ಖೋತ್.—ಈಗಿರುವ ರೀತಿ "The Register may at any time on an application made by a majorty of the members of a co-operative farm, or an his ower motion after giving notice to the farm etc., amend the bye-laws" ಎಂದಿದೆ, ಇದರಿಂದ ರಿಜಿಸ್ಟ್ರಾರ್‌ಗೆ ಸ್ವಲ್ಪ arbitrary ಅಧಿಕಾರ ಕೊಟ್ಟ ಹಾಗಾಗುತ್ತದೆ, ಜನರಲ್ ಬಾಡಿಯ ಒಪ್ಪಿಗೆ ಯಾದರೂ ಇರಲಿ ಎಂದು ನಾನು ತಿದ್ದುಪಡಿಯನ್ನು ಸೂಚಿಸಿದ್ದೇನೆ. ಸಹಕಾರ ಸಂಘದ ಜನರಲ್ ಬಾಡಿಯ ಒಪ್ಪಿಗೆಯಿಂದ ಮಾಡುವುದು ಒಳ್ಳೆಯದು.

Sri KADIDAL MANJAPPA.—There is no need for this amendment.

Mr. SPEARER..—The question is:

"That the following words shall be added at the end 'with its approval'."

The amendment was negatived.

Mr. SPEAKER.—The question is.

"That Clause 95 stand part of the Bill."

The motion was adopted.

Clause 95 was added to the Bill.

Mr. SPEAKER.—The question is :

"That Clauses 96, 97, 98 and 99 stand part of the Bill."

The motion was adopted.

Clauses 96, 97, 98 and 99 were added to the Bill.

Clause 100

Sri G. VENKATAI GOWDA.—Sir, I beg to move :

"That for the words 'who is a resident of, the words 'who owns land or lands' shall be substituted".

Mr. SPEAKER.—Amendment moved :

"That or the words 'who is a resident of' the words 'who owns land or lands' shall be substituted".

† Sri G. VENKATAI GOWDA (Palyam).—Sir, if you insist that only the residents of the village or contiuquoes Vi ages in which a co-operative farm is situate should alone become the members of that farm, the others who may own lands in that village or contiguous vil ages but who may not reside ın that village or contiguous villages may not have the opportunity to become members of that co-operative farming society. Supposing a person resides hundreds of miles away and he owns lands in that village or contiguous village where the co-operative farming society is in existence why should you prevent such a person from becoming a member of that society. I therefore request the Government to allow an opportunity to such persons to become members of a co-operative farming society. By keeping as it is, you will be denying opportunities for those people who do not reside in that village or contiguous village but who may have lands in those places in forming co-operative societies. To afford opportunities to those who o n lands in village or contiguous villages, I have suggested the amendment and by accepting this it will not do any harm.

†Sri KADIDAL MANJAPPA.—The clause does not say that he should not own lands. Any person who owns or does not own can be admitted as members subject to certain conditions. Agricultural labourers can also become members by forming a socicity with ten (10) members and with 50 acres. But, there is no bar for the admission of members who are not owning lands.

Mr. SPEAKER.—The question is:

"That the words 'who is a resident of' the words 'who owns land or lands' shall be substituted."

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That Clause 100 stand part of the Bill."

The motion was adopted

Clause 100 was added to the Bill.

Mr. SPEAKER.—The question is :

"That clause 101 stand part of the Bill."

The motion was adopted.

Clause 101 was added to the Bill.

Clause 102.

Sri G. VENKATAI GOWDA.—I move :

" That items (*a*) and (*b*) of sub-clause (2) shall be deleted and the remaining items re-lettered suitably."

Mr. SPEAKER.—Amendment moved :

"That items (*a*) and (*b*) of sub-clause (2) shall be deleted and the remaining items re-lettered suitably."

†Sri G. VENKATAI GOWDA.—This clause seeks to extend concessions and facilities for members of a co-operative farming society. It has been claimed by the Hon'ble Minister that the formation of Co-operative Farming Society is left to the sweet will of the persons concerned. Hereby extending concessions such as reduction of land revenue, reduction or exemption from agricultural income tax, etc. It would indirectly result in inviting them to form Co-operative Farming Societies. I am at a loss to know why the Government should go to the extent of giving concessions to persons who are paying agricultural income tax. There is some meaning if they say that they are going to reduce land reveuue but agricultural income-tax is paid only by rich landlords. Such being the case just to invite them to form a Co-operative Society, is something which cannot be reconciled with. Also, unless suitable amendments are made to the respective enactments, I do not think we can make any provision for such concessions in this Bill. If these concessions have to be given to them, necessary amendments should be made to the respective enactments. Therefore I am suggesting either to extend these concessions particularly agricultural income tax and reduction of land revenue to all or to delete this in the Bill. When we extend this concession only to a certain section, it will really force them to become members and it would defeat the object of formation of Co-operative Farming Society. If you want to give any concessions to Co-operative Farming Socieity you can extend other kinds of facilities like affording technical advice, financial aids, grant of subsidies, etc. You are at liberty to extend such kinds of facilities but so far as land revenue and agricultural income tax are concerned, I should say that it would be discriminatory and in order to avoid all these complications I request the Hon'ble Minister to accept this amendment.

Sri J. B. MALLARADHYA.—I fully endorse the views expressed by my friend. I do not know why the Government should go out of the way to extend this much unwanted concession. I want to know for those sake these concessions are extended. Why should a particular class of people be exempted. Supposing some landlords want to join a co-operative society just to evade payment agricultural income tax. By all means do give encouragement to Co-operative Farming Societies but let it not be at the expense of the revenues of the State. I vehemently oppose this sort of concessions being given.

†Sri C. M. ARUMUGHAM (Kolar Gold Fields).—I oppose the amendment moved by Sri G. Venkatai Gowda. We are all aware that India is a federation consisting of 16 States. But, do we call as Federation of States? No we call as Union of States. We want unity. To bring in unity, we must act on co-operative lines, and to give incentive to the people to join in a co-operative effort we must give concessions. I wonder a person like Sri J. B. Mallaradhya who represents the views of the Socialist party and who wants everything on a co-operative manner, should oppose this clause and support the amendment moved by Sri G. Venkatai Gowda. It is not only here. It is there even in the Co-operative Societies Act. Even big landlords come together and are going to help landless people. We are going to become members of the society. If you want socialist pattern of society, we must give agriculture tax. I oppose the amendment of Venkatai Gowda.

†ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ನನ್ನ ಮಿತ್ರರು ಬಹಳ ದೊಡ್ಡ ಭಾಷಣಮಾಡಿ ಯಾವ ತತ್ವಕ್ಕನುಸಾರವಾಗಿ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ವಿರೋಧಿಸಿದರೋ ಗೊತ್ತಿಲ್ಲ. ಈ ರಿಯಾಯಿತಿ ಅವರು ಛೇರ್ಮನ್ ಆಗಿರುವ ಹೌಸಿಂಗ್ ಕೋಆಪರೇಟಿವ್ ಸೊಸೈಟಿಗೂ ಬರುತ್ತದೆಂದು ಭಾವಿಸಿದ್ದಾರೋ ಏನೋ. ನಾನು ಏನು ಮೋಟಿವ್ಸನ್ನೂ ಅಟ್ರಿಬ್ಯೂಟ್ ಮಾಡುತ್ತಿಲ್ಲ. ಈ ರಿಯಾಯಿತಿಯನ್ನೇಕೆ ಒಂದು ಗುಂಪಿನವರಿಗೆ ಕೊಡಬೇಕೆಂಬುದನ್ನು ಸರ್ಕಾರ ವಿಶದವಾಗಿ ಹೇಳಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು. ಹೀಗೆ ಸರ್ಕಾರ ತನ್ನ ಕೈಲಿರುವ ಅಧಿಕಾರ ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡು ರಿಯಾಯಿತಿ ಕೊಡುತ್ತಾ ಹೋದರೆ ಪ್ರಜಾಪ್ರಭುತ್ವವು ದೇಶದಲ್ಲಿ ಯಶಸ್ವಿಯಾಗಿ ನಡೆಯಲು ಸಾಧ್ಯವೆ? ಇದನ್ನು ಯೋಚನೆ ಮಾಡಬೇಕು. ರೂರಲ್ ಇಂಡಸ್ಟ್ರಿಯಲ್ ಸೊಸೈಟಿ, ಫಾರ್ಮಿಂಗ್ ಸೊಸೈಟಿ ಮುಂತಾದ ಸೊಸೈಟಿಗಳೇನಿವೆ ದೇಶದಲ್ಲಿ ಅವೆಲ್ಲವನ್ನು ಸಹ ಹಿಡಿತದಟಲ್ಲಿಟ್ಟುಕೊಂಡು ರಾಜ್ಯವನ್ನಾಳಬೇಕೆಂದು ಸಂಕಲ್ಪಮಾಡಿದ್ದೀರಾ? ಕೋಆಪರೇಟಿವ್ ಫಾರ್ಮಿಂಗ್‌ಗೆ ಕಂದಾಯ, ವಾಟರ್ ರೇಟ್, ಅಗ್ರಿಕಲ್ಚರಲ್ ಇನ್‌ಕಂಟ್ಯಾಕ್ಸ್ ಮುಂತಾದ್ದರಲ್ಲೆಲ್ಲಾ ರಿಯಾಯಿತಿ ತೋರಿಸಬೇಕೆಂದು ಒಂದು ವಿಚಾರದಲ್ಲಿ ಹೇಳಿ ಮತ್ತೊಂದಕ್ಕೆ ರಿಯಾಯಿತಿ ಕೊಡದಿರುವುದು ಅರ್ಥವಿಲ್ಲದ ವಿಷಯ ಪ್ರಜಾಪ್ರಭುತ್ವ ಉಳಿಯಬೇಕಾದರೆ ದೇಶದಲ್ಲಿರುವ ಜನರನ್ನೆಲ್ಲಾ ಸರಿಯಾದ ಬುನಾದಿಯ ಮೇಲೆ ನಿಲ್ಲುವಂತೆಮಾಡಬೇಕಾದ್ದು ಅಗತ್ಯ. ನಮ್ಮ ಅಧ್ಯಕ್ಷರು ಇಂಗ್ಲೆಂಡಿಗೆ ಹೋಗಿ ಬಂದಿದ್ದಾರೆ. ಅಲ್ಲಾಗಲಿ, ಅಮೇರಿಕಾ ಮುಂತಾದ ಕಡೆಗಳಲ್ಲಾಗಲಿ ಎಲ್ಲಾದರೂ ಹೀಗೆ ನಡೆಯುತ್ತಿದೆಯೇ? ನಮ್ಮ ಮಿತ್ರರು ಸಮತಾವಾದದ ಮಾದರಿ ಸಮಾಜದ ವಿಷಯ ಹೇಳಿದರು....

Sri C. M. ARUMUGHAM.—He is talking about America. Let him also state about Denmark, how society functions in Denmark.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಶ್ರೀ ವೆಂಕಟೇಗೌಡರು ತಿದ್ದುಪಡಿ ತಂದಿರುವುದರಲ್ಲಿ ಅರ್ಥವಿದೆ. ಕೋಆಪರೇಟಿವ್ ಫಾರ್ಮಿಂಗ್‌ಗೆ ಬೇಕಾದರೆ ಸಾಲಕೊಡಿ, ವ್ಯವಸಾಯಕ್ಕೆ ಬೇಕಾದ ಅನುಕೂಲ

ಕಲ್ಪಿಸಿ. ಆದರೆ ಅಗ್ರಿಕಲ್ಚರಲ್ ಇಕ್ಕಂಟ್ಯಾಕ್ಸ್ ಜಮೀನು ಕಂದಾಯ ಕೊಡುವುದರಲ್ಲಿ ರಿಯಾಯಿತಿ ಅದಕ್ಕೆ ತೋರಿಸುತ್ತೇವೆಂದರೆ ದೇಶದಲ್ಲಿ ಯಾವುದಾದರೂ ಒಂದು ಪಕ್ಷ ಬೆಳೆಯಲು ಸಾಧ್ಯವೆ? ಇದೆಲ್ಲಾಮಾಡಿ ಕಾಂಗ್ರೆಸ್‌ನವರು ಓಟುಕೇಳಬಹುದೆ ಎಂಬುದನ್ನು ಯೋಚಿಸಬೇಕು. ರೋಗಿಗಳಿಗೆ ಅಮೃತ, ಹಾಲು ಕೊಟ್ಟರೆ ಅವರಿಗೆ ಅದು ಕಹಿಯಾಗಿ ಕಾಣುತ್ತದೆ. ಆ ರೀತಿ ನಾನು ವಿರೊಧಿಸುವುದು ತಮಗೆ ಕಾಣಬಹುದು. ಈ ಕಡೆ ನೀವೇ ಕುಳಿತಿದ್ದರೆ ಕಟುವಾಗಿ ವಿರೋಧ ಮಾಡುತ್ತಿದ್ದಿರಿ. ಕೋಆಪರೇಟಿವ್ ಫಾರ್ಮಿಂಗ್ ಸೊಸೈಟಿಗೆ ಕೊಡುವ ಈ ರಿಯಾಯಿತಿಯು ಸತ್ಯಕ್ಕೆ ಮತ್ತು ನ್ಯಾಯಕ್ಕೆ ದೂರವಾದುದು. ಆದುದರಿಂದ ಸರ್ಕಾರದವರು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತಾರೆಂದು ನಂಬಿದ್ದೇನೆ.

Sri KADIDAL MANJAPPA.—I do not know why some of my friends are allergic to the co-operative movement. The wording of the section is very clear, "without prejudice to the generality of the prescribed concessions and facilities may include..." 'may' is discretionary. Government may extend these concessions or not. There is no obligation or compulsion for Government to extend these concessions to the co-operative farm. It is the policy of this Government and the successive Government to encourage co-operative movement. Even in the Co-operative Societies Act, 1959 there is a chapter relating to State aid to co-operative societies. Honourable Members know that in this State 50 per cent of the holders are small holders, owning not more than 10 acres. If they come together to form a society it is in the interest of the State to encourage this movement to form societies. It is economical to cultivate land by means of co-operative societies. Therefore there is no need......

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಹತ್ತು ಜನ ದೊಡ್ಡವರೇ ಸೇರಿಕೊಂಡರೆ ಗತಿಯೇನು?

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ (ಮೈಸೂರು).—ಅಗ್ರಿಕಲ್ಚರಲ್ ಇಕ್ಕಂಟ್ಯಾಕ್ಸ್ ಕೊಡಬೇಕು ಎಂಬುದು ಮನವರಿಕೆಯಾದರೆ ಅವರು ಸೊಸೈಟಿಗೆ ಸದಸ್ಯರಾಗಲು ಒಪ್ಪುವುದಿಲ್ಲ.

Sri KADIDAL MANJAPPA.—I agree with the Honourable Member. From all points of view, there is no need to accept the amendment.

Mr. SPEAKER.—The question is:

"That items (*a*) and (*b*) of sub-clause (2) shall be deleted and the remaining items re-letterd suitably."

The amendment was negatived.

Mr. SPEAKER.—Amendment No. 209.

Sri J. B. MALLARADHYA.—Sri, I move:

"That item (*e*) of sub-clause (2) shall be deleted."

Mr. SPEAKER.—Amendment moved:

"That item (*e*) of sub-clause (2) shall be deleted."

†Sri J. B. MALLARADHYA.—I would like the Minister to clarify as to why this concession is intended to be extended to the co-operative farming societies. Why should priority be given? As between two areas which claim priority if you go and give a concession to a co-operative society on the ground that it is a co-operative farming society, it is not fair. In fact, the extension of concession should be uniform and should be deserving. That they form themselves into a co-operative society should not be the major consideration. It looks as if the Government have got a very big plan of mobilising their resources. It lends colour to that view. May I know whether in any other State such concession is sought to be extended by way of giving priority to co-operative farming societies? So far as the extension of irrigation facilities is concerned, the main objective is to increase agricultural production. I have no objection to giving them irrigational facilities but not on a priority. Is it merely as a source of inducement? ಈ ರೀತಿ ರಿಯಾಯಿತಿ ಕೊಡುವುದು ಚೆನ್ನಾಗಿ ಕಾಣುವುದಿಲ್ಲ, ಕೊಡಬಾರದು ಎಂಬುದು ನನ್ನ ಅಭಿಪ್ರಾಯ.

Sri KADIDAL MANJAPPA.— It is an inducement. Irrigation facilities are given, subject to certain circumstances. Even if the Government desires to extend priority with regard to irrigation, they cannot do unless the lands come under any *ayacut* or *achkat*. Even under the achkat, where cirumstances permit, they can parmit and that is discretionary.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಇರಿಗೇಷನ್ ಪ್ರಾಜೆಕ್ಟುಗಳಲ್ಲಿ ಟೈಲ್‌ಎಂಡ್‌ಲ್ಯಾಂಡ್ಸ್‌ಗೆ ನೀರೇ ಹತ್ತುವುದಿಲ್ಲ. ಹಾಗಿರುವಾಗ ಕೊನೆಯಲ್ಲಿರುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಇರಿಗೇಷನ್ ಪ್ರಾಜೆಕ್ಟ್‌ಗಳಿಗೆ ಪ್ರಾಶಸ್ತ್ಯಕೊಡುತ್ತೇವೆಂದು ಹೇಳಿದರೆ ಮೇಲಿರುವ ಜಮೀನುಗಳ ಗತಿಯೇನು? ಈ ದಿವಸ ಅನೇಕ ಕೆರೆಗಳ ಕೆಳಗಿರುವ ಕೊನೇ ಜಮೀನುಗಳಿಗೆ ನೀರೇ ಹತ್ತುವುದಿಲ್ಲ. ಒರಿಜನಲ್ ಪ್ಲಾನ್‌ಪ್ರಕಾರ ನೂರಾರು ಎಕರೆಗಳಿಗೆ ಈ ದಿವಸ ನೀರೇ ಹತ್ತುವುದಿಲ್ಲ. ಅಂಥ ರೈತರು ಒಟ್ಟಾಗಿ ಸೇರಿ ನಮ್ಮ ಜಮೀನುಗಳಿಗೆ ಕಾನೂನು ಪ್ರಕಾರ ಪ್ರಾಶಸ್ತ್ಯಕೊಡಿ ಎಂದು ಕೇಳಿದರೆ ಏನುಮಾಡುತ್ತೀರಿ?

It is capable of being misused; you should not make a Bill which gives scope for the local mishandling of the situation.

10-00 A.M.

Sri KADIDAL MANJAPPA.—Sir, priority to the tail end lands as submitted cannot be given and the other atchkatdars cannot be deprived of their rights to take water. My friend asked whether there is such a provision any where. In the Hyderabad Act, there is a similar provision.

†Sri K. PUTTASWAMY.—Sir, what the Leader of the Opposition apprehends is 'preference'. In the sub-clause it is 'priority' that is referred to. But the instance that he cited is 'prefernce'. Are you going to give preference to the tail end lands and assured better water supply to the detriment of the upper land holders ?

Sri J. B. MALLARADHYA.—What is 'preference' and what is 'priority' Sir ? If you give preference, it means priority.

Mr. SPEAKER.—The question is:

" That item (209) (*e*) of sub-clause (2) shall be deleted "

The amendment was negatived.

Mr. SPEAKER.—The question is:

' That Clause 102 stand part of the Bill.

The motion was adopted.

Clause 102 was added to the Bill.

The House will now rise and meet after half-an-hour.

The House adjourned for recess at Three Minutes past Ten of the Clock and reassembled at Thirty-Five Minutes past Ten of the Clock.

[Mr. SPEAKER in the Chair]

Mr. SPEAKER.—Clause No. 103.

Sri G. VENKATAI GOWDA (Palayam).—Sir, I beg to move:

" That item (*a*) of sub-clause (1) shall be deleted and items (*b*) and (*c*) shall be re-lettered as items (*a*) and (*b*). "

Mr. SPEAKER.—Amendment moved:

" That item (*a*) of sub-clause (1) shall be deleted and items (*b*) and (*c*) shall be re-lettered as items (*a*) and (*b*). "

†Sri G. VENKATAI GOWDA.—Sir, exemption is sought to be given to leases obtained by industrial or commercial undertakings. This clause does not confine only to the existing area which might have been possessed by any industrial or commercial undertaking but also there is scope for acquisition of agricultural land for this purpose after the appointed day; there is no prohibition. So, Clauses 63 and 64 do not apply and it means, it may be more than 27 standard acres. My submission is, as matters stand to-day, whether we have got any commercial or industrial establishment which carries commercial or industrial operations in such a huge area of more than 27 standard acres. So far as I know there are none. It is not for agricultural purposes. It does not even apply to co-operative societies or co-operative sugar factory. So, is it necessary to have such a huge extent of land by these industrial or commercial undertakings? So, this clause (*a*) is absolutely unnecessary and there is no reason to retain this clause in the statute book. I, therefore, ask the Hon'ble Revenue Minister to delete it. Otherwise, this will give scope for any industrial or commercial undertaking to acquire more land in the name of this purpose which will be to the detrement of the agricultural production.

Sri S. D. KOTHAWALE (Chikodi).—The Hon'ble Member does not want development of Industries ? Is he urging for that?

Sri G. VENKATAI GOWDA.—While urging for development of industries and commerce, is it necessary that we should acquire such a large area of agricultural land? As it is, 27 standard acres is there. Any industrial or commercial establishment may make use of such area. This provision is likely to be misused. That is the apprehension.

Sri KADIDAL MANJAPPA.—Sir, Clause 103 is subject to 110. Therefore, it is with a view to help some industrial or commercial concerns which may need such protection as it is envisaged here. Government should apply its mind to find out whether they are *bona fide* carrying out the objectives for which they were started. The amendment is not acceptable Sir.

Mr. SPEAKER.—The question is :

"That item (*a*) of sub-clause (1) shall be deleted and items (*b*) and (*c*) shall be re-lettered as items (*a*) and (*b*).

The amendment was negatived.

Mr. SPEAKER.—Now we may make up amendment No. 210.

Sri J. B. MALLARADHYA.—Sir, I beg to move:

"That in item (*a*) of sub-clause (1) the word 'Government' shall be added after the word 'of' in line 1."

Mr. SPEAKER.—Amendment moved:

"That in item (*a*) of sub-clause (1) the word 'Government' shall be added after the word 'of' in line 1."

Sri KADIDAL MANJAPPA.—If the Hon'ble Member can read 107, he will realise that this amendment is not necessary at all.

Sri J. B. MALLARADHYA.—I beg leave to withdraw the amendmen t ,Sir.

The amendment was by leave of the House withdrawn.

Mr. SPEAKER.—Amendment No. 211 is also not necessary and it need not be moved; Amendment 213 does not survive.

Sri J. B. MALLARADHYA.—Sir, I beg to move:

" That in item (*c*) of sub-clause (1) the word ' Farming ' shall be inserted between the words 'Co-operative' and 'Societies'."

I want that to be specified.

Mr. SPEAKER.—Amendment moved.

"That in item (*c*) of sub-clause (1) the word 'farming' shall be inserted between the words 'Co-operative' and Societies'."

†Sri KADIDAL MANJAPPA.—The Co-operative Societies include farming societies. If you confine it merely to farming societies, the other societies will be deprived of this concession. The clause as it is wider in scope and comprehensive.

†Sri J. B. MALLARADHYA.—The whole lay out of the scheme as envisaged in 102 is that your special concessions should be extended to co-operative societies not covered by 103. I know that every co-operative society will get concession and it will make a mess of the whole scheme of exemptions. Please examine the implications of the wide scope. It is better you restrict it to the farming co-operative societies.

Sri KADIDAL MANJAPPA.—It applies to all co-operative societies provided they are approved by the Government.

Mr. SPEAKER.—The question is:

"That in item (c) of sub-clause (1) the word 'Farming' shall be inserted between the words 'Co-operative' and 'Societies'.,,

The amendment was negatived

Mr. SPEAKER.—Amendmet No. 215 will not survive.

Mr. SPEAKER.—I will now put Clause 103. The question is:

"That Clause 103 stand part of the Bill."

The motion was adopted.

Clause 103 was added to the Bill.

Mr. SPEAKER.—Clause 104. There is an amendment by the Hon'ble Minister.

Sri KADIDAL MANJAPPA.—Sir, I beg to move:

"That for Clause 104, the following clause shall be substituted, namely:

"104. *Regimental farms and plantations*:—The provision of sections 63 and 64 shall not apply to regimental farm lands or to plantations.

Explanation:—'Plantation' means any land used by a person principally for the cultivation of any plantation crop and includes:—

( ) any land used by such person for any purpose ancillary to the cultivation of such crop or for preparation of the same for the market;

(*ii*) land contiguous to or in the vicinity of, or whithin the boundaries of the area cultivated with such crop not exceeding one hundred acres in extent reserved by such person and fit for expansion of such cultivation;

(*i i*) agricultural lands under the personal cultivation of such person, interspersed within the boundaries of the area cultivated with such crop not exceeding one ceiling area."

Mr. SPEAKER.—Amendment moved:

"That for clause 104, the following Clause shall be substituted, namely:—

"104. *Regimental farms and plantations*:—The provision of Sections 63 and 64 shall not apply to regimental farms lands or to plantations.

Explanation:—'Plantation means any land used by a person principally for the cultivation of any plantation crop and includes

(*i*) any land used by such person for any purpose ancillary to the cultivation of such crop or for preparation of the same for the market;

(*ii*) land contiguous to or in the vicinity of, or within the boundaries of the area cultivated with such crop not exceeding one hundred acres in extent reserved by such person and fit for expansion of such cultivation;

(*iii*) agricultural lands under the personal cultivation of such person, interspersed within the boundaries of the area cultivated with such crop not exceeding one ceiling area."

†Sri M. C. NARASIMHAN (K. G. F.).—Sir, I have a point of order to raise about the propriety of moving the amendment by the Hon'ble Minister. Item (*ii*) of the amendment says:

"(*ii*) land contiguous to or in the vicinity of, or within the boundaries of the area cultivated with such crop not exceeding one hundred acres in extent reserved by such person and fit for expansion of such cultivation;"

This has reference to plantation crops. This imposes a restriction on expansion of existing plantations in respect of plantation crops. This will conflict with the Central Enactment on the same subject. I will just refer to the Tea Act of 1923, Chapter III - control over the expansion of Tea cultivation. The parliment has enacted a law in inspect of cultivation of Tea not merely for the regulation of Tea tndustry, but also to regulate the expansion of the area under Tea has so be done only with the permission of the Tea Board which is a statutory body created by a Central enactment, namely the Tea Act. According to section 10(2) (*a*), the extent of cultivation of Tea is a matter which is within the exclusive jurisdiction of the statutory body created by the Act of Parliment. Sections 13, 14 and 15 deal with the conditions under which the existing area Tea in a plantation can be expanded subject to such conditions as may be prescribed by the Tea Board. The rule-making power also provides for it is interesting to see that the Central Government have prescribed the rules under the Tea Act, one of which run as follows:

"*Rule* 33—*Plantations*:—Permission for the extension of Tea shall not be granted to any estate if the area planted with

Tea in that estate exceeds 500 acres without the previous permission of the Central Government."

So, you will see that if any estate anywhere in India wants to expand its acreage, then it cannot extend beyond 500 acres. For further expansion, the previous permission of the Central Government is necessary.

There is also a proviso which says:

"provided that permission to replace shall not be granted to exceed 10 per cent of the existing acreage."

There the upper limit is up to 10 per cent of the existing acreage. It will be seen that this is a matter covered by Central legislation. As you know, there cannot be two laws on the same subject one running counter to the other. Here you restrict to 100 acres whereas the Central legislation allows up to 500 acres. How is one to decide which is the limit for expansion of cultivation? I hope you will kindly look into the matter and not throw the point of order overboard.

†Sri V. SRINIVASA SHETTY.—Sir, this is a very important point which was not properly thought of. I do not know what particular advice the Planning Commission has given in this matter. In view of the fact that there is the Tea Act, 1953, which makes specific provision for expansion of cultivation up to 500 acres with the permission of the Centre, which is the policy of the centre, I do not know how the State legislation can run counter to it and limit it to 100 acres? If one has got 2 acres of tea and if he wants to expand by 100 acres, he will not be allowed under this legislation because the total will then become 102 acres. This is not what is contemplated by the Central Act. In this connection I would also draw the attention of the House to Article 245. In List II item 14 this matter comes within the purview of the State legislature, but Article 245 makes it clear that where there is conflict between the Central legislation and the State legislation, the Central legislation will prevail. I would also like to invite attention to Basu's Commentary on the Constitution in which it is said that where there is overlapping between the 3 Lists predominance has to be given to the Union legislation as under the Government of India Act, 1935. Thus the power of the State Legislature to legislate in respect of matters enumerated in the State List has been made subject to the power of Parliament to legislate in respect of matters enumerated in the Union and Concurrent Lists and in case of repugnancy between the State law and the Union law under the concurrent list, the latter will prevail. So knowing full well that there is the Tea Act why did the Government not discuss this matter with the Central Government and tell them that they are going to make a law contrary to that Central provision? Can there be one law for this State and another law for the rest of the country? are you going to have a separate policy from the Centre in this matter? For these reasons, I support the point of order raised by Sri Nara imhan. There is no question of party matter in this. It is a national policy in relation to the tea industry.

†Sri KADIDAL MANJAPPA.—This point has been examined in detail. There is no conflict between the Tea Act and this Bill. The Supreme Court has held in A. I. R. 1959 page 459 that this law falls exclusively within the competence of the State Legislature under entry 18 of the State List. This is not the first State to enact such a law. There are other State laws also which contain similar provision. Further, we do not restrict the extent of land to be cultivated by tea. We only say that in addition to the cultivated area the owner can have 100 acres of land reserved for expansion. Therefore, there is no conflict and there is no difficulty at all.

Mr. SPEAKER.—I am sorry the point of order does not hold water In the first place the Hon'ble Member Sri Srinivasa Shetty while arguin for the point of order also argued against the point of order because he referred to List 2 where the power of the State Legislature is supreme so far as land is concerned. He quoted entry 14, it is not 14, but it is 18. So far as Parliament is concerned the Centre as power so far as the Union List and the Concurrent Lists are concerned. If this is a subject included in the Concurrent List than whatever my friend Sri Srinivasa Shetty said would have held water, but this is not. This is exclusively in the State List and so the State Legislature is supreme so far as that is concerned.

Secondly I do not think there is any conflict between the Tea Act and this Bill as explained by the Minister because this does not affect the present plantations but only the future expansion.

Sri M. C. NARASIMHAN.—That is exactly the fear. The Tea Board can give permission for expansion up to 500 acres, but you are limiting it to 100 acres.

11-00 A.M.

Sri KADIDAL MANJAPPA.—There is no restriction with regard to the area under cultivation. The only restriction is with regard to the reserved land made for future expansion.

Sri M. C. NARASIMHAN.—There is a mistake. The Tea Act contemplates two things : Section 13 regarding existing plantation and Section 14 regarding expansion.

Mr. SPEAKER.—Whether there is a conflict or not, it is under the State list.

Now, we will take the amendments to the amendment.

Sri M. C. NARASIMHAN.—I beg to move :

"That in item (1) of the Explanation to the proposed Clause 104 between the words 'of same crop' and 'or for preparation of the same' the following words shall be inserted :—

'such as land used in the plantation for factories, quarters of staff, curring yards, play-grounds, and such other purposes as may be prescribed.'

In item (ii) after the explanation to the proposed Clause 104 the words 'not exceeding...........such cultivation' shall be deleted.

In item (iii) of the Explanation to the proposed Clause 104 the words 'not exceeding one ceiling area' shall be deleted."

Mr. SPEAKER.—Amendment moved :

"That in item (1) of the Explanation to the proposed Clause 104 between the words 'of same crop' and 'or for preparation of the same' the following words shall be inserted :—

'such as land used in the plantation for factories, quarters of staff, curing yards, play-grounds, and such other purposes as may be prescribed.'

In item (ii) after the Explanation to the proposed Clause 104 the words 'not exceeding...........such cultivation' shall be deleted.

"In item (iii) of the Explanation to the proposed Clause 104 the words 'not exceeding one ceiling area' shall be deleted."

Sri A. M. BASAVE GOWDA.—I beg to move :

"That at the end of item (iii) of the Explanation to the proposed Clause 104 the words 'of twenty-seven standard acres' shall be added."

Mr. SPEAKER.—Amendment moved :

"That at the end of item (iii) of the Explanation to the proposed Clause 104 the words 'of twenty-seven standard acres' shall be added."

Sri A. M. BASAVE GOWDA.—I beg to move :

"That after item (iii) of the Explanation to the proposed Clause 104 the following item shall be added as item (iv) :—

(iv) In determining the ceiling limit under this section, forest land and land exclusively used on the appointed day, for grazing the cattle of the holder of the land or on which trees have been raised for better cultivation of the land, shall not be taken into consideration to the extent of thirty acres :—

Provided that when any such land ceases to be used for the said purpose or is used for any other purpose, or the grass or other produce grown thereon determining the ceiling limit."

Mr. SPEAKER.—Amendment moved :

"That after item (iii) of the Explanation to the proposed Clause 104 the following item shall be added as item (iv) :—

(iv) In determining the ceiling limit under this section forest land and land exclusively used on the appointed day, for grazing the cattle of the holder of the land or on

(Mr. SPEAKER)

which trees have been raised for better cultivation of the land, shall not be taken into consideration to the extent of thirty acres :—

Provided that when any such land ceases to be used for the said purpose or is used for any other purpose, or the grass or other produce grown thereon determining the ceiling limit."

Sri S. D. KOTHAWALE.—I beg to move :

"That at the end of Explanation to Clause 104 the following proviso shall be added, namely :—

Provided that any land referred to in item (ii) and held on the appointed day shall not be included in a plantation if it is not cultivated with a plantation crop within a period of five years from the appointed day."

Mr. SPEAKER.—Amendment moved :—

"That at the end of Explanation to Clause 104, the following proviso shall be added, namely :—

Provided that any land referred to in item (ii) and held on the appointed day shall not be included in a plantation if it is not cultivated with a plantation crop within a period of five years from the appointed day."

Sri KADIDAL MANJAPPA.—The consensus of opinion in the House was that plantations should be exempted from the operation of Clauses 63 and 64. Therefore I have moved this amendment.

†Sri G. VENKATAI GOWDA.—I want a clarification. A person who holds plantation lands is entitled to hold 18 standard acres at present. That is how matters stand now. Supposing a planter has no agricultural land now. In the only lands he has, he grows plantation crops. After the appointed day, if he acquires land for agricultural purposes, what happens ? He has 20 standard acres and acquisition of plantation crops is not prohibited under the law. Supposing he acquires plantation lands, then is he to surrender anything from the existing holdings. It is not clear from the amendment of the Hon'ble Minister.

Sri KADIDAL MANJAPPA.—The clause is very clear. If a plantation owner owns agricultural lands, he is permitted to have under his personal cultivation one ceiling area.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಹಿಂದೆ ಪ್ಲಾಂಟೇಷನ್ ಕ್ರಾಪ್ಸ್ ಇಟ್ಟುಕೊಂಡಿರುವವರಿಗೆ ಸೀಲಿಂಗ್ 27 ಸ್ಟ್ಯಾಂಡರ್ಡ್ ಎಕರೆಗಳಿರಬೇಕೆಂದ ಮೇಲೆ ಮುಂದೆ ಈ ಪ್ಲಾಂಟೇಷನ್ ಕ್ರಾಪ್ಸ್ ಮಾಡುವವರಿಗೆ 18 ಸ್ಟ್ಯಾಂಡರ್ಡ್ ಎಕರೆಗಳೆಂದು ಹೇಳುವುದು ಯಾವ ನ್ಯಾಯ ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಜಾಯಿಂಟ್ ಫ್ಯಾಮಿಲಿ ಆದರೆ ಅದರ ಡಬ್ಬಲ್ ಇರುತ್ತದೆ.

Sri G. VENKATAI GOWDA.—Should I surrender out of 27 acres anything ? I am of the view there is no provision to suggest that I should surrender.

Sri KADIDAL MANJAPPA.—It is a question of interpreting the law. I am clear in my mind. I am not bound to interpret the law at every stage.

Sri G. VENKATAI GOWDA.—We are not asking you to interpret the law, but explain the intentions.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಸ್ವಾಮಿ, 500 ಅಥವಾ 1,000 ಎಕರೆಗಳಿರತಕ್ಕ ಪ್ಲಾಂಟರ್ಸ್ ವಿಷಯ ಬೇಡಿ. ಸ್ಮಾಲ್ ಪ್ಲಾಂಟರ್ಸ್ ಅಂದರೆ ಕೇವಲ 5 ಅಥವಾ 10 ಎಕರೆಗಳನ್ನು ಪಡೆದಿರತಕ್ಕವರಿಗೆ ಎಷ್ಟು ಸ್ಟ್ಯಾಂಡರ್ಡ್ ಎಕರೆಗಳನ್ನು ಅಥವಾ ಸೀಲಿಂಗ್ ಏರಿಯಾವನ್ನು ಎಗ್ಸೆಂಪ್ಟ್ ಮಾಡುವುದು ?

Sri KADIDAL MANJAPPA.—One ceiling area. 18 standard acres.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಅದು ಹೇಗೆ ಇಲ್ಲಿ ಅಪ್ಲೈ ಆಗುತ್ತದೆ? ಸಾವಿರ ಎಕರೆಗಳನ್ನು ಹೊಂದಿರತಕ್ಕ ಪ್ಲಾಂಟರ್ಸ್‌ಗೂ ಒಂದೇ ರಿಸ್ಟ್ರಿಕ್ಷನ್ ಮತ್ತು ಕೇವಲ 5–10 ಎಕರೆ ಹೊಂದಿರತಕ್ಕ ಪ್ಲಾಂಟರ್ಸ್‌ಗೂ ಒಂದೇ ರಿಸ್ಟ್ರಿಕ್ಷನ್ ಅಂದರೆ ನನಗಂತೂ ಅರ್ಥವಾಗುವುದಿಲ್ಲ.

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಅದು ಯೂನಿಫಾರಂ. Even if a person acquires lands hereafter, he will be in addition to the plantation area be entitled to have one ceiling area. ಅಂದ ಮೇಲೆ ಸಾವಿರ ಎಕರೆಗಳಿರುವವರೂ ಮತ್ತು 5–10 ಎಕರೆಗಳನ್ನೊಂದಿರುವವರೂ ಎಲ್ಲರೂ ಒಂದೇ. ಅಳತೆಗೋಲು ಒಂದೇ. ಸೀಲಿಂಗೆಲ್ಲಾ ಒಂದೇ ಯೂನಿಫಾರಂ ಆಗಿರಬೇಕಾದ್ದು ಸಹಜ. ಆದ್ದರಿಂದ ಈಗ plantation crops are exempted.

ಶ್ರೀ ಜಿ. ವೆಂಕಟೇಗೌಡ.—ನನಗೆ 27 ಎಕರೆ ವ್ಯವಸಾಯದ ಭೂಮಿ ಇದೆ ಎನ್ನೋಣ. ಆದರೆ ಈಗ ಪ್ಲಾಂಟೇಷನ್ ಭೂಮಿ ಇಲ್ಲ. ಇನ್ನು ಅಪಾಯಿಂಟೆಡ್ ಡೇ ಆದ ಮೇಲೆ ಪ್ಲಾಂಟೇಷನ್ ಕ್ರಾಪ್ಸ್ ಮತ್ತೆ 27 ಸ್ಟಾಂಡರ್ಡ್ ಎಕರೆಯಷ್ಟು ಇಟ್ಟು ಕೊಂಡರೆ, ಎಷ್ಟು ಎಕರೆಯನ್ನು ಆಗ ನಾನು ಸರೆಂಡರ್ ಮಾಡಬೇಕಾಗುತ್ತದೆ ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಜಾಯಿಂಟ್ ಫ್ಯಾಮಿಲಿಯಾಗಿದ್ದು ಐದು ಜನಗಳು ಇದ್ದರೆ 27 ಸ್ಟ್ಯಾಂಡರ್ಡ್ ಎಕರೆಯಷ್ಟು ಇಟ್ಟುಕೊಳ್ಳಬಹುದು ಆ ರೀತಿ ಇಲ್ಲದಿದ್ದರೆ 18 ಎಕರೆ ಮಾತ್ರ.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಈಗ 18 ಎಕರೆಗಳನ್ನು ಫ್ಯೂಚರ್ ಅಕ್ವಿಸಿಷನ್ಸ್‌ಗೆ ಎಂದು ಮಾಡಿದ್ದೀರಿ ಸಾಮಾನ್ಯವಾಗಿ ಒಬ್ಬ ಐದು ಎಕರೆ ಪ್ಲಾಂಟೇಷನ್ ಕ್ರಾಪ್ಸನ್ನು ಪರ್ಸನಲ್ ಕಲ್ಟಿವೇಷನ್ನಿಗೆ ಎಂದು ಇಟ್ಟುಕೊಂಡಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಈಗ ಅವನಿಗೆ 27 ಎಕರೆ ಸ್ಟ್ಯಾಂಡರ್ಡ್ ಎಕರೆ ಪ್ಲಾಂಟೇಷನ್ ಕ್ರಾಪ್ಸಿರಬೇಕೆಂದು ನಿಗದಿ ಮಾಡಿರುವಾಗ ಮಿಕ್ಕ 9 ಎಕರೆಯನ್ನು ಏತಕ್ಕೆ ಸರೆಂಡರ್ ಮಾಡಬೇಕು.

Sri KADIDAL MANJAPPA.—That argument applies to other people also. If a person is having to-day 27 standard acres and if he wants to acquire some other land, he will have to surrender surplus.

If a person is having to-day land in excess of 27 standard acres, he will have to surrender the surplus. We have already taken a decision in Clause 63.—We have already decided. If it is a family consisting of more then five, according to Section 63, they can have more. In other cases, he will be entitled to retain only 18 standard acres. that is the ceiling area applicable to the future.

†Sri M. C. NARASIMHAN.—Sir, so far my amendment to Mr. Kothawale's amendment is concerned, the trst portion of my amenment in respect of item (1) is that the matter may be clarified. Here in this section, the Hon' ble Minister says that any land that may be used by such a person for ancillary purposes will not come within the purview of ceiling will be treated as plantation land. This is my point. It says ancillary to the cultivation Sir, in Section 63 as it stood prior to the amendment which the House had accepted, there was an explanation added.

> *Explanation*:—In the case of a complany' an association or any other body of individuals, the ceiling limit shall be one ceiling area;

Here it says, Sir, simply 'any purpose ancillary to the cultivation,. There are so many other things which cannot be brought within the meaning of this word 'ancillary'. The Government's intention may be clear. My amendment clarifies it further and it will not take away the spirit of the existing provision and it only states that if there are any other purposes which the Government at a later date decides, are necessary for the purposes of plantation industry, they may include it in the plantation land. It is only by way of clarification and it is not one which will take away the spirit of the existing section.

Sir, the second item is very very important. That is with reference to the future ceilings that is proposed to be placed on future expansion of the estate. There are twoconditions here before any estate or plantation can come within the purview of Section 104 (2). One condition is that the contiguous land must be fit for cultivation. it must be kept to grow only the plantation crop. The second condition is that the person must have resurved it. When these two conditions are satisfied, even then, the planter can go up to 100 acres so far as the future programme is concerned. Firstly, I do not see any valid reason why there should be such restriction for the expansion of plantation. The very reason why the Government felt it necessary to grant exemption was that it was an agro-industry. It is on entirly different footing. It is not like other types of agriculture. It is treated as an agro-industry-- not merely as agriculture. I presume that is the reason why they have given exemption under Clause 104. Otherwise, there is no valid reason at all. Why did the Government decide to change the position which the select committe had taken? Because they were impressed by the reasoning advanced by interested like our friends Sri K. Mallappa, Sri Boranna Gowda and other. I presume Government have felt it necessary to exempt it from the provisions of the ceiling areat Let us see what this 100 acres business is. It is not such a simple thing as it looks *prima facie*. The restriction may look very reasonable. It may even be defended from the point of view of small growers and it may be said that to delete it may not be in the interest of small growers. Anybody who is familiar with the knowledge of industries, will definitely

say that it is not so. That is why, in Andhra, Madras and Kerala, they have exempted plantation totally from the purview of the ceiling--future ceilings. Other legislations are also there, such as Assam. My only point is, that it may not help small growers. To cultivate an area of 100 acres, a person should possess suffiicient money and if he should bring it under coffee plantation, it will yield in five years. It will take bigger investments, because 100 acres may not be sufficient in very many cases. Most of our estates are sufficently big. They are not 100 acres. They are more than 500 acres. They need a factory, if it is a Tea Estate, they need a yard and so many other things. If it is restricted to 100 acres, it will not work so far as coffee is concerned. The investment is sufficiently big; I do not go into the figures. My friend Mr. less A. M. Basave Gowda may deal with it. The investment will be sufficiently big in respect of coffee. It will yield at least one lakh of rupees. If one can get an income of one lakh within a period of five years, he is definitely not a small grower. They have small growers in this Stat particulary in Hassan and Chickmagalur districts. A number of estates are not big. None of the small growers are able to implement the plantation labour regulations in the matter of housing facilities, in fixing minimum wages, in giving medical facilities. So, that the Plantation Labour Act is merely an Act on paper. It is very difficult to enforce it upon them. Government is unable to enforce it upon small growers. The Government of India and the Government of Mysore have even made an offer to these small Plantation owners that they are even prepared to give large sums of money as loan to get houses constructed for plantation labour. No small grower is prepared to take advantage of that scheme. The Act lays down that there must be a regular scheme and 8 per cent of the labour must be housed every year. If we impose this restriction, I am afraid, we will come to grief so far as the expansion of the estates are concerned and it may halt the progress of the industry as a whole. It must be remembered that coffee and tea are being exported abroad and they are dollar–earing commodities. You are aware of this. Even yesterday Sri S. K. Patil has stressed this particular aspect of the matter and has impressed the need for paying particular attention of the Government to such agro-industries. Sir, I do not feel that there is any justification to limit it to 100 acres. Why should it not be more than 100 acres? According to the Jatti Committee figures and Coffee Board figures, the number of estates between five and ten acres will be something like 25 per cent of the total number of estates. The bulk of the estates in the whole of Mysore would constitute about 25 per cent of the total number of estates. Those who drafted the Bill thought that 27 standard acres is small with regard to plantations. I wish to put the question why should the figure be arbitrarily put at 100? Even for this, there is no justification at all. If this is up to 100 acres, I would like to know from the Hon'ble Minister for Revenue what is the total acreage that can be reserved in the manner, which is fit for cultivation of plantation crop and which can be released to small growers? The appropriate

(Sri M. C. NARASIMHAN)

authority whose opinion has to be taken is the Coffee Board in this respect. I would have appreciated if the Hon'ble Revenue Minister had approached the Coffee Board and ascertained their views. I know that so far as the Coffee Board is concerned, they are not in favour of of such a legislation. We have a representative on the Coffee Board. Therefore, the State as a matter of policy is bound to take particular interest in the cultivation and development of Coffee. There is one representative of the Government on the Coffee Board and there are also representatives of labour employed in the Coffee industry within the Mysore State serving on the Coffee Board. They should have been approached before anything in this nature should have been contemplated in my submission. So far as the last portion is concerned, I have requested that the ceiling area business should be deleted. The point is very simple. I need not dwell on it at any length. Now it says that 18 standard acres must be comprised within the boundary of five acres. I do not know if it is possible. Supposing I have got five acres. Can I go up to one ceiling area? No. The condition is one ceilling area must be interspersed within the boundary of five acres. So there is this anamolous position between a person whose land is interspersed and another person's whose land is contiguous. Such an invidious distinction cannot be made.

† ಶ್ರೀ ಎ. ಎಂ. ಬಸವೇಗೌಡ (ಚಿಕ್ಕಮಗಳೂರು).—ಅಧ್ಯಕ್ಷರೇ, ಈಗ ಶ್ರೀ ನರಸಿಂಹನ್ ರವರು ಹೇಳಿರತಕ್ಕ ವಾದವನ್ನು ಸಮರ್ಥಿಸುತ್ತ ಈ ಪ್ಲಾಂಟೇಷನ್‌ಗಳ ಸೀಲಿಂಗ್ ವಿಚಾರದಲ್ಲಿ ಕೆಲವರಿಗೆ 18 ಸ್ಟ್ಯಾಂಡರ್ಡ್ ಎಕರೆಗಳಿರಬೇಕೆಂದೂ ಮತ್ತೆ ಕೆಲವರಿಗೆ 27 Standard ಎಕರೆ ಕೊಡಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಆದರೆ ಯಾರ್ಯಾರು ಈ ಪ್ಲಾಂಟೇಷನ್‌ಗಳನ್ನ ಪರ್ಸನಲ್ ಆಗಿ ಬೆಳೆಸಿಕೊಂಡು ವ್ಯವಸಾಯಗಾರರಾಗಿರುತ್ತಾರೋ ಅಂಥವರೆಲ್ಲರಿಗೂ ಈ ಸೀಲಿಂಗ್ ಪರಿಮಿತಿಯನ್ನು 27 Standard acres ಗಳಿಗೆ ನಿಗದಿ ಮಾಡತಕ್ಕದ್ದು ಯೋಗ್ಯವಾದದ್ದು. ಒಬ್ಬರಿಗೆ ಅವರು ಪರ್ಸನಲ್ ಕಲ್ಟಿವೇಷನ್ ಮಾಡುತ್ತಿದ್ದಾಗ್ಯೂ 18 Standard ಎಕರೆಗಳನ್ನು ಕೊಟ್ಟು ಇನ್ನೊಬ್ಬ ಪರ್ಸನಲ್ ಕಲ್ಟಿವೇಟರ್‌ಗೆ 27 Standard ಎಕರೆ ಕೊಡುವುದು ಸರಿಯಲ್ಲ. ಇದು ಪಕ್ಷಪಾತ ಭಾವನೆಗೆ ಎಡಗೊಡುತ್ತದೆ. ಈ ಪ್ಲಾಂಟೇಷನ್‌ಗಳ ವಿಚಾರದಲ್ಲಿ ಮದ್ರಾಸ್ ಮತ್ತು ಕೇರಳದಲ್ಲಿ ಮಾಡಿರತಕ್ಕ ಕಾನೂನುಗಳಲ್ಲಿ ಯಾವ ಪ್ರತಿಬಂಧಕವನ್ನೂ ಹಾಕಿಲ್ಲ. ಹೀಗಿರುವಾಗ ಮೈಸೂರಿನಲ್ಲಿ ಕೆ ಈ ರೀತಿ 18 ಎಕರೆ ಮತ್ತು 27 ಎಕರೆಗಳಂತೆ ಒಂದು ಪಕ್ಷಪಾತ ಭಾವನೆ ಮಾಡಲು ಹೊರಟಿದ್ದಾರೋ ಅದು ನನಗೆ ಗೊತ್ತಾಗುತ್ತಿಲ್ಲ. ಯಾರು ಈ ಪ್ಲಾಂಟೇಷನ್‌ಗಳ ಪರ್ಸನಲ್ ಕಲ್ಟಿವೇಷನ್ ಕೊಂಡಿದ್ದಾರೋ ಅವರೆಲ್ಲರಿಗೂ ಒಂದೇ ರೀತಿ 27 Standard acres ಇರುವಂತೆ ಒಂದು ಅವಕಾಶ ಕಲ್ಪಿಸಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ. ಈ ಹಿಂದೆ 1954 ರಲ್ಲಿ ಪ್ಲಾಂಟೇಷನ್ ಎನ್‌ಕ್ವೈರಿ ಕಮಿಟಿ ಎಂತ ಒಂದು ಸಮಿತಿಯನ್ನು ಮಾಡಲಾಗಿತ್ತು. ಅವರು ಒಂದು ಎಕರೆ ಜಮೀನನ್ನು ಆಬಾದು ಮಾಡಿ ಪ್ಲಾಂಟೇಷನ್ ಬೆಳಸಬೇಕಾಗಿದ್ದರೆ ಕನಿಷ್ಟಪಕ್ಷ 2 ಸಾವಿರ ರೂಪಾಯಿಗಳು ಬೇಕಾಗುತ್ತೆಂದು ಆ ಸಮಿತಿಯವರೇ ಹೇಳಿದ್ದಾರೆ. ಅಂದರೆ 100 ಎಕರೆ ಜಮೀನಿನಲ್ಲಿ ಪ್ಲಾಂಟೇಷನ್ ಬೆಳಸಬೇಕಾಗಿದ್ದರೆ ಒಬ್ಬ ಮನುಷ್ಯನಿಗೆ 2 ಲಕ್ಷ ರೂ. ಗಳ ಬಂಡವಾಳ ಇರಬೇಕಾಗುತ್ತದೆ. ಅತನು ಇಷ್ಟೊಂದು ಹಣವನ್ನು ಏಕ್‌ದಂ ತರಲು ಎಲ್ಲಿ ಸಾಧ್ಯವಿದೆ ? ಸರ್ಕಾರದವರೇನಾದರೂ ಸಾಲ ಕೊಡುತ್ತಾರೇನು ? ಸರ್ಕಾರದವರು ಹಣ ಒದಗಿಸಿದರೆ ಈಗ

ಶ್ರೀ ಕೋಥಾವಲೇ ಅವರು ತಂದಿರುವ ತಿದ್ದುಪಡಿಯನ್ನು ಅನುಮೋದಿಸಬಹುದು. ಹಾಗಿಲ್ಲದೆ ಇರುವಾಗ ಆ ಪ್ಲಾಂಟೇಷನ್ ವ್ಯವಸಾಯಗಾರರ ಮೇಲೆ ಇಂಥ ಒಂದು ಕಾಲನಿಗದಿಯ ನಿರ್ಬಂಧ ಹಾಕುವುದು ಉಚಿತವಾಗಿ ಕಾಣುವುದಿಲ್ಲ. ಅದಕ್ಕಾಗಿ ಶ್ರೀ ಕೋಥಾವಲೆಯವರ ತಿದ್ದುಪಡಿಯನ್ನು ನಾನು ವಿರೋಧಿಸುತ್ತೇನೆ. ಕಾಫಿ ಬೋರ್ಡಿನವರು ಒಂದುವೇಳೆ ಹಣ ಸಾಲ ವಾಗಿ ಒದಗಿಸಿದರೂ ಅದು ಕೇವಲ ರೀಪ್ಲಾಂಟೇಷನ್‌ಗೆ ಹೊರತು Expansion ಗೆ ಅಲ್ಲ. ಈ ನಾನಾ ಕಾರಣಗಳಿಂದ ಶ್ರೀ ಕೋಥಾವಲೆ ಅವರು ತಂದಿರುವ ತಿದ್ದುಪಡಿ ಸರಿಯಾದ್ದಲ್ಲವೆಂದು ಹೇಳುತ್ತೇನೆ. ಮತ್ತು ಶ್ರೀ ನರಸಿಂಹನ್‌ರವರು ಹೇಳಿರುವಂತೆ ಪ್ರತಿಯೊಬ್ಬ ಪರ್ಸನಲ್ ಕಲ್ಟಿವೇಟರಿಗೂ 27 Standard ಎಕರೆ ಜಮೀನು ಇಟ್ಟುಕೊಳ್ಳಲು ಅವಕಾಶ ಮಾಡಿಕೊಡಬೇಕೆಂದು ಹೇಳಿ ನಾನು ಈ ನನ್ನ ತಿದ್ದುಪಡಿಯನ್ನು ಮಂತ್ರಿಗಳು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಕೇಳಿ ಕೊಳ್ಳುತ್ತೇನೆ.

† Sri S. D. KOTHAWALE.—The purpose of my amendment is to set a time limit for the exploitation of the uncultivated area reserved for the expansion of plantations. This time limit is necessary to import a sense of urgency in the activisation of the land. The dog in the manger policy is not in the best interests of the country. If it is found on experience that the time that would be permitted under my amendment is very meagre, nothing prevents this Hon'ble House for amending later, for expanding the time limits. I therefore submit that the House will be inclined to accept my amendment.

† Sri J. B. MALLARADHYA.—Sir, I am afraid that I have to make a caustic remark against the Hon'ble Revenue Minister and the Hon'ble Chief Minister for bring some amendment which is divorced from all practical politics. I want to ask a direct question to the Hon'ble Revenue Minister. Do you want these planters to go up to the President and get an order as they did in the case of Kerala Bill? why don't you see what happened. What is now sought to be pressed is not where there is a tenant and landlord relationship. What you are giving by way of concession to an ordinary ryot, you are denying to a planter, even if that area is under personal cultivation. I have been always saying that you are bringing discriminatory legislation. Do you want to go against the President's directive? Has this aspect been examined by the Law Department or by you? Was this point examined by the Select Committee, I want to know. I may also ask when that hundred acre limit was prescribed.

11-30 A.M.

Is there any basis for computation for this hundred acre limit. As Mr. Narasimhan said, why should it not be one standared acre or less or why it should not be more than 100 acres. Don't be halting and hesitating. The Bombay Karnatak people headed by Mr. Jatti have an obsession in regard to plantations..............

Sri B. D. JATTI.— As Opposition Leader let him say as he likes.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.— ನಾರ್ತ್ ಕರ್ನಾಟಕ ಮತ್ತು ಸೌತ್ ಕರ್ನಾಟಕದಲ್ಲಿ ನಮ್ಮ ಹಳೆಯ ಮೈಸೂರಿನಲ್ಲಿರುವಷ್ಟು ಪ್ಲಾಂಟೇಷನ್‌ಗಳಿವೆಯೆ ? ಎಂದು ನಾನು ಆನರಬಲ್ ಮುಖ್ಯ ಮಂತ್ರಿಗಳನ್ನು ಕೇಳುತ್ತೇನೆ?

ಶ್ರೀ ಬಿ. ಡಿ. ಜತ್ತಿ.— ಅಪೋಸಿಷನ್ ಲೀಡರಾಗಿ ಇಷ್ಟು ಬರೆಯದೆ ಇದ್ದರೆ ಇನ್ನೇನು ಮಾಡುತ್ತಾರೆ. ಅಷ್ಟಾದರೂ ಮಾಡಲಿ.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ನಾನು ಬಯ್ಯುವುದು ಬಹಳ ರಿಸ್ಟ್ರಿಕ್ಟೆಡ್ಡಿನಿಂದ ನಾರ್ತ್ ಕರ್ನಾಟಕದ ಜನಕ್ಕೆ ಈ ಕಾಡು, ಮೇಡು ಅಥವ ಪ್ಲಾಂಟೇಷನ್ ಅಂದರೆ ಅವರಿಗೆ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. except of course, north kanara ಬಯ್ಯಬೇಕೆನ್ನುವುದು ನನ್ನ ಉದ್ದೇಶವಲ್ಲ. ಲೀಡರ್ ಆಫ್ ದಿ ಅಪೋಸಿಷನ್ ಅನ್ನುವವರ ಫಂಕ್ಷನ್ ಇದು ಒಂದೇ ಅಲ್ಲ. ರೂಲಿಂಗ್ ಪಾರ್ಟಿಯವರು ಮಾಡುವುದನ್ನು ಬಯ್ಯುವುದು ಉದ್ದೇಶವಲ್ಲ. ಅವರು ಲೀಡರ್ ಆಫ್ ದಿ ಅಪೋಸಿಷನ್ ಕರ್ತವ್ಯ ಸರಿಯಾಗಿ ಭಾವಿಸಿಲ್ಲ. ಇದ್ದುದನ್ನು ಇದ್ದಹಾಗೆ ಹೇಳಿ, ದೇಶದ ಮುಂದೆ ವಾಸ್ತವಾಂಶವನ್ನು ಇಡುವುದು ಅವನ ಕರ್ತವ್ಯ. ಹಳೆಯ ಮೈಸೂರಿನಲ್ಲಿ ಪ್ಲಾಂಟೇಶನ್ನುಗಳ ಯೋಗ್ಯತೆಯನ್ನು ಅಲ್ಲಿ ವ್ಯವಸಾಯ ಹೇಗೆ ನಡೆಯುತ್ತಿದೆ, ಅದಕ್ಕೆ ಹೆಚ್ಚು ಸೌಕರ್ಯ ದೊರೆಯಬೇಕೆನ್ನುವುದು ಬೆಂಗಾಡುಗಳು, ಏನೂ ಬೆಳೆಯದ ಮತ್ತು ಒಂದು ವಿಧದಲ್ಲಿ ಅಭಿವೃದ್ಧಿ ಹೊಂದದ ಪ್ರದೇಶದಿಂದ ಬರತಕ್ಕಂಥ ನಮ್ಮ ಮುಖ್ಯಮಂತ್ರಿಗಳಿಗೆ ಮತ್ತು ಅವರ ಅನುಯಾಯಿಗಳಾದ ಕೊತಾವಳೆಯವರಿಗೆ ಇದು ಅರ್ಥವಾಗದಿರಬಹುದು. ಅವರ ಕಡೆ ಪ್ಲಾಂಟರುಗಳು ಇಲ್ಲವೆಂದಿಲ್ಲ. ಆ ಕಡೆಯೂ ಇದ್ದಾರೆ! ಅಪೋಸಿಷನ್ನಿನಲ್ಲಿಯೂ ಇದ್ದಾರೆ, ಎಲ್ಲ ಕಡೆಯೂ ಇದ್ದಾರೆ. ಹೆಂಗಸರು ತಿವಿದರು ಎಂದು ಹೇಳಿದರು. ಅದರ ಪರಿಣಾಮ ಏನಾಯಿತು ತಿಳಿಯಲಿಲ್ಲ. ನಾವು ಉದಾರವಾಗಿ ಪ್ಲಾಂಟೇಷನ್ ಒಂದು ಇಂಡಸ್ಟ್ರಿ, ಅದಕ್ಕೆ ದೇಶದ ಅಭಿವೃದ್ಧಿ ದೃಷ್ಟಿಯಿಂದ ಆಗಬೇಕಾದ ಸೌಕರ್ಯಗಳನ್ನು ಕೊಡೋಣವೆಂದು ನಿರ್ಧರಿಸಿದ್ದೇವೆ. ಇಲ್ಲಿ ಮುಚ್ಚುಮರೆ ಬೇಡ let our policy be plain.

ಇತರ ವ್ಯವಸಾಯಗಾರರಿಗೆ ದೊರೆಯತಕ್ಕಂಥ ಸೌಕರ್ಯವನ್ನು ಪ್ಲಾಂಟೇಷನ್ ಹೊಂದಿರತಕ್ಕಂಥವರಿಗೂ ಕೊಡಿ. ಬೇರೆಯವರಿಗೆ 27 ಎಕರೆ ಆಗುತ್ತದೆ. ಪ್ಲಾಂಟೇಷನ್ ಆದ ಮಾತ್ರಕ್ಕೆ 18 ಕ್ಕೆ ಇಳಿಸಬೇಕೆಂಬ ನೀತಿಯಿಂದ ತಾರತಮ್ಯ ತೋರಿಸಿದಹಾಗಾಗಲಿಲ್ಲವೇ ? ಇಂತಹುದಕ್ಕೆ ಸರ್ವಥಾ ಮಾನ್ಯತೆ ಕೊಡಬಾರದು. ತಮ್ಮ ಮನೋಭಾವನೆಯನ್ನು ಬದಲಾಯಿಸಿಕೊಳ್ಳಬೇಕೆಂದು ಮುಖ್ಯ ಮಂತ್ರಿಗಳನ್ನೂ ರೆವಿನ್ಯೂ ಮಂತ್ರಿಗಳನ್ನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ. ನಮ್ಮ ಸ್ನೇಹಿತರಾದ ಕೊತಾವಳೆಯವರು 5 ವರ್ಷದ ಅವಧಿಯನ್ನು ಹಾಕಬೇಕೆಂದು ಹೇಳಿದಾಗ ನನಗಾದರೂ ಅನ್ನಿಸುತ್ತದೆ ಅವರಿಗೆ ಪ್ಲಾಂಟೇಷನ್ ವ್ಯವಸಾಯದ ಗಂಧವೇ ಇಲ್ಲವೆಂದು.

ಅಧ್ಯಕ್ಷರು.— ಕೊತವಾಳೆಯವರಿಗೆ ತಂಬಾಕದು ಗೊತ್ತಿದೆ.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.— ತಂಬಾಕೆಂದು ಒಂದು ಮಾತ್ರ ಗೊತ್ತಿದೆ. ತಂಬಾಕನ್ನು ಉಪಯೋಗಿಸುವುದು ಮಾತ್ರ ಗೊತ್ತು. ನಮ್ಮಲ್ಲಿ ಟಿ. ಜಿ. ರಾಮಯ್ಯರ್ ಅಂತ ಡೈರೆಕ್ಟರ್ ಆಫ್ ಅಗ್ರಿಕಲ್‌ಚರ್ ಇದ್ದರು. ನಮ್ಮಲ್ಲಿಯೂ ತಂಬಾಕು ವ್ಯವಸಾಯ ಹೆಚ್ಚಾಗಿ ನಡೆದಿದೆ ಹಾಗೂ ತಂಬಾಕು ವ್ಯವಸಾಯದ ಬಗ್ಗೆ ಕೊತಾವಳೆಯವರು ನಮ್ಮ ಜೊತೆಯಲ್ಲಿ ಜಗಳಮಾಡಿದರು ನೂರು ಎಕರೆಯನ್ನು ಐದು ವರ್ಷದಲ್ಲಿ ಮಾಡಲೇಬೇಕೆಂಬ ನಿರ್ಬಂಧವನ್ನು ಹಾಕುವುದಾದರೆ ಆ 100 ಎಕರೆಯನ್ನು ಎಕ್ಸ್‌ಪ್ಯಾನ್‌ಷನ್ನಿಗೆ ಅವಕಾಶ ಮಾಡಿಕೊಡುತ್ತೇಂದು ಹೇಳಿ ಬಿಡಲಿ ಅದು ಸಾಧ್ಯವಾಗದ ಮಾತು, ಕಾನೂನಿನಲ್ಲಿ ಮಾಡಬಹುದು ಅದನ್ನು ಕಾರ್ಯರೂಪಕ್ಕೆ ತರುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಈ ಐದು ವರ್ಷದ ನಿಗದಿಯನ್ನು ನಿಷ್ಕರ್ಷೆಮಾಡಿ ಪರಿಮಿತಿಗೆ ಒಳಪಡಿಸುವುದು ಪ್ಲಾಂಟೇಷನ್ ಲೆಕ್ಕಾಚಾರ ತಿಳಿದು ಹೇಳುವವರ ಮಾತಲ್ಲ. I personally feel that there should be no restriction. ನಾನು ಎರಡನೆಯ ಕ್ಲಾಜ್ ಬಂದಾಗಲೇ ಡೆಫಿನಿಷನ್ ಸರಿಯಾಗಿ ಮಾಡಿ ಎಂದು ಹೇಳಿದೆ. ಏನೇನೋ ಪ್ರೆಶರ್ಸ್, ಪುಲ್ಸ್, ಇನ್‌ಫ್ಲೂಯನ್ಸ್‌ಗಳಿಗೆ ಒಳಗಾಗಿ ಈ ರೀತಿ ತಿದ್ದುಪಡಿ ಬರುವುದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿ ಕೊಟ್ಟರು. ಸೆಕ್ಷನ್

104 ಕ್ಕೆ ಅಮೆಂಡ್‌ಮೆಂಟ್ ತಂದರೆ, ಪ್ಲಾಂಟರುಗಳ ವಿಷಯಾದಲ್ಲಿ ಸಹಿತ ಇನ್ನೊಂದು ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು ಮಾನ್ಯ ರೆವಿನ್ಯು ಸಚಿವರು ತರಲಿ. ಏಕೆಂದರೆ, how is it different ? ರೆಜಿಮೆಂಟಲ್ ಫಾರಂ ಲ್ಯಾಂಡುಗಳಿಗೆ ಯಾವ ವಿಧವಾದ ನಿರ್ಭಂದಗಳೂ ಏಕೆ ಬೇಡವೆಂದರೆ, you are afraid of Krishn Menon you are afraid of the Defence Department.

Sri KADIDAL MANJAPPA.—We are sympathetic towards the Regimental Farms.

Sri J. B. MALLARADHYA.—Why don't you be symapathetic towards your own people ? ಬೇರೆ ಸಂಸ್ಥಾನಗಳಲ್ಲಿ ಕೂಡ ಯಾವ ವಿಧವಾದ ನಿರ್ಭಂಧವೂ ಇಲ್ಲವೇ ? ಕೇರಳ ಅಗ್ರಿಕಲ್‌ಚರಲ್ ರಿಲೇಷನ್ಸ್ ಬಿಲ್, ಮತ್ತು ಮದ್ರಾಸ್ ಸೀಲಿಂಗ್ ಆನ್ ಲ್ಯಾಂಡ್ಸ್ ಆಕ್ಟು-ಇವುಗಳಲ್ಲಿ ನಿರ್ಭಂಧವಿದೆಯೇ ಓದಿಹೇಳುತ್ತೇನೆ. ನಮ್ಮ ಬಸವೇಗೌಡರು ಹೇಳಿದ್ದನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ಸಪೋರ್ಟ್ ಮಾಡುತ್ತೇನೆ ನರಸಿಂಹನ್‌ರವರು ಹೇಳಿದನ್ನೂ ಸಪೋರ್ಟ್ ಮಾಡುತ್ತೇನೆ. ಪ್ಲಾಂಟೇಷನ್ ಇಂಡಸ್ಟ್ರಿ ಮುಂದುವರಿಯಬೇಕೆಂಬ ಉದ್ದೇಶ ನಿಮಗೆ ಇದ್ದರೆ, ಮುಚ್ಚುಮರೆ ಬೇಡ, ನಿರ್ದಾಕ್ಷಿಣ್ಯವಾಗಿ ಪ್ಲಾಂಟರುಗಳಿಗೆ ಏನು ಸೌಕರ್ಯಗಳು ಬೇಕೋ, ಆ ಸೌಕರ್ಯಗಳನ್ನೆಲ್ಲಾ ಕೊಡಿ ಎಂದು ಮತ್ತೆ ಹೇಳುತ್ತೇನೆ.

Sri KADIDAL MANJAPPA.—I am also a growers of arecanut.

†ಶ್ರೀಮತಿ ಕೆ. ಎಸ್. ನಾಗರತ್ನಮ್ಮ (ಗುಂಡ್ಲು ಪೇಟೆ).—ಸ್ವಾಮಿ ಈ ಕ್ಲಾಸು ತರಕೂಡದು ಎಂದು ಹೇಳುತ್ತೇನೆ. ಬಾಕಿ ವ್ಯವಸಾಯಗಾರರಿಗೆ ಕೆಲಸದ ವಿನಾಯಿತಿ ಯನ್ನು ಪ್ಲಾಂಟರುಗಳಿಗೂ ಕೂಡಕೊಡದು. ಒಬ್ಬರಿಗೇ ಏಕೆ ವಿನಾಯಿತಿ ಕೊಡ ಬೇಕೆಂದು ನಾನು ಹೇಳುವುದು ನನ್ನದು ಎರಡು ಕಣ್ಣು ಹೋದರೂ ಪರವಾಗಿಲ್ಲ ಇನ್ನೊಬ್ಬರದು ಒಂದು ಕಣ್ಣು ಹೋಗಲಿ ಎಂದ ಹಾಗೇ ಆಗಬಹುದು ಪ್ಲಾಂಟೇಷನ್ನುಗಳನ್ನೆಲ್ಲಾ ಏಕೆ ನ್ಯಾಷನಲೈಸ್ ಮಾಡಬಾರದು ? ಅವೂ ಉದ್ಧಾರವಾಗುತ್ತಲೇ ಎಲ್ಲರೂ ಉದ್ಧಾರವಾಗು ತ್ತಾರೆ. ಅಡಿಕೆ, ತೆಂಗು ತೋಟಗಳಿಗೂ ವಿನಾಯಿತಿ ಕೊಟ್ಟು, ಅವುಗಳಿಗೂ ಏಕೆ ಸರಿಯಾದ ಸೌಕರ್ಯವನ್ನು ಒದಗಿಸಿಕೊಡಬಾರದು ? ಅಡಿಕೆ ತೆಂಗು ಇವತ್ತು ಸಸಿ ಹಾಕಿದರೆ ನಾಳೆ ಬೆಳಿಗ್ಗೆ ಮರವಾಗಿ, ತೋಟವಾಗಿ ಬಿಡುವುದಿಲ್ಲ. ತೋಟವಾಗಿ ಕೈಗೆ ಬರಬೇಕಾದರೆ 12 ವರ್ಷ ತೆಗೆದುಕೊಳ್ಳುತ್ತದೆ. ನಾಲ್ಕು ವರ್ಷವಾದರೆ ಏಲಕ್ಕಿ ಮತ್ತು ಯಾವುದಾದರೂ ಆರ್ಚಾರ್ಡಿನಲ್ಲಿ ಸೀಬೆಕಾಯಿ, ದಾಳಿಂಬೆ ಬಿಟ್ಟು ಬಿಡುತ್ತದೆ. ಅಡಿಕೆ ಮತ್ತು ತೆಂಗಿನ ತೋಟವನ್ನು ವೃದ್ಧಿಪಡಿಸ ಬೇಕಾದರೆ 12 ವರ್ಷವಾದರೂ ಕಷ್ಟಪಡಬೇಕು. ಅಡಿಕೆ ತೆಂಗಿನ ಪ್ಲಾಂಟೇಷನ್ನುಗಳ ಮಾನ್ಯ ತೆಯೇ ಕೋಡಬೇಕು. ಪ್ಲಾಂಟೇಷನ್ನುಗಳು ಉಧ್ಧಾರವೂ ಆಗಬೇಕು, ಎಕ್ಸ್‌ಪ್ಯಾನ್‌ಷನ್ನು ಆಗಬೇಕು. ಅಡಿಕೆ ತೆಂಗಿನಿಂದಲೂ ಫಾರಿನ್ ಎಕ್ಸ್‌ಚೇಂಜ್ ಬರುತ್ತದೆ. ಕಾಫೀಪ್ಲಾಂಟರು ಗಳು ನೂರು ಎಕರೆ ಜಮೀನು ಇಟ್ಟುಕೊಂಡರೆ ಉದ್ದುದ್ದಾದ ಕಾರಿನಲ್ಲಿ ಓಡಾಡುತ್ತಾರೆ ಆದರೆ ಅಷ್ಟೇ ಅಡಿಕೆ ತೆಂಗು ತೋಟವಿರುವವರು ಹಾಗೆ ಕಾರು ಇಟ್ಟುಕೊಂಡಿರುವುದಿಲ್ಲ ಅವರಿಗೆ ಲಾಭವಿರುವುದಿಲ್ಲ, ಈ ಇಂಡಸ್ಟ್ರಿ ಬೆಳಯಬೇಕಾದರೆ ಪ್ಲಾಂಟೇಷನ್ನು ಗಳನ್ನೆಲ್ಲಾ ನ್ಯಾಷನಲೈಸ್ ಮಾಡಬೇಕು.

Sri KADIDAL MANJAPPA.—Mr. Speaker, Sir, I would like to read for the benifit of Hon'ble Members my amendment once again, 'Plantation' means any land used by a person principally for the cultivation of any plantation crop and includes:

(Sri KADIDAL MANJAPPA)

(i) any land used by such person for any purpose ancillary to cultivation of such crop or for preparation of the same for the market................."

We have not put any restrictions. It says "land contiguous to or in the vicinity of, or within the boundaries of the area cultivated..." There is no restriction with regard to the area to be owned. The Hon'ble Member Sri M. C. Narasimhan argued as though we are putting restrictions There is absolutely no restriction. Restrictions are placed only with regard to lands not already planted. We have said that he can own upto 100 acres in addition to the lands acquired. There is no bar to acquire any land hereafter. The only restriction sought to be put is only with regard to the uncultivated land. The next is:—"agricultural lands under the personal cultivtion of such person, interspersed within the boundaries of the area cultivated with such crop not exceeding one ceiling area." In addition to the uncultivated land he not can have one ceiling area of interspered agricultural land. Or if he has not got land interspersed, then within the boundaries of Plantation he can own anywhere upto a ceiling area. It is not limited to only interspersed area. He can own upto a ceiling area anywhere else. My friends quoted the Kerala Act. There also a restriction is put as 20 per cent but we have stated 100 acres. That has been done with a view to help small holders. If it is 20 per cent in the case of small owners it may be negligible.

Sri J. B. MALLARADHYA.—If you take into consideration a person holding 5 acres of plantation can go upto 100 acres whereas a person owning 500 acres will still get only that 100 acres.

Sri KADIDAL MANJAPPA.—A person who owns 5 acres of plantation can acquire even 1,000 acres, Only thing we have to think is whether uncultivated land should be included within the definition of plantation area. We say 100 acres of uncultivated land should be deemed to be plantation. I shall read the definition of plantation from the Madras Act.

> "Plantation means any land used for growing all or any of the following, namely, cardamom, cinchona, coffee, rubber or tea."

So, all plantations in existence on the date of commencement of this Act, means, the plantations are exempted from ceiling provided they are in existence on the appointed day. So far as future acquisicion is concerned, ceiling is proposed to be imposed. In Andhra, lands covered by tea Rubber or coffee and that definition does not cover uncultivated land. Therefore, the amendment proposed is reasonable. I accept the amendment of Sri S. D. Kothawale.

Mr. SPEAKER.— The question is :

"that in item (1) of the Explanation to the proposed clause 104 between the words 'of same crop' and 'or for preparation of the same' the following words shall be inserted.—

such as land used in the plantation for factories, quarters of staff, curing yards, play grounds and such other purposes as may be prescribed.

In item (ii) after the explantation to the proposed clause 104 the words 'not exceeding...... . such cultvivation' shall be deleted

In item (iii) of the explanation to the proposed clause 104 the words 'not exceeding one ceiling area' shall be deleted"

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That at end of item (iii) of the Explanation to the proposed clause 104 the words 'of twenty seven standard acres' shall be added.

Afer item (iii) of the Explanation to the proposed clause 104 the following item shall be added as item (iv).—

(iv) In determining the ceiling limit under this section, forest land and land exclusively used on the appointed day, for grazing the cattle of the holder of the land or on which trees have been raised for better cultivation of the land, shall not be taken into consideration to the extent of thirty acres:

Provided that when any such land ceases to be used for the said purpose or is used for any other purpose, or the grass or other produce grown thereon determining the ceiling limit."

The amendment was negatived.

Mr. SPEAKER.—The question is:—

"That at end of Explanation to clause 104, the following proviso shall be added, namely :—

Provided that any land referred to in item (ii) and held on the appointed day shall not be included in a plantation if it is not cultivated with a plantation crop within a period of five years from the appointed day.'

The amendment was adopted.

Mr. SPEAKER.—The question is :

"That for Clause 104, the following clause shall be substituted namely.—

104. *Regimental farms and plantations.*— The provision of Sections 63 and 64 shall not apply to regimental form lands or to plantations.

Explanation.—'plantation' means any land used by a person principally for the cultivation of any plantation crop and includes.—

(i) any land used by such person for any purpose ancillary to the cultivation of such crop or for prepartion of the same for the market :

(ii) land contiguous to or in the vicinity of, or within the boundries of the area cultivated with such crop not exceeding one hundred acres in extent reserved by such person and fit for expansion of such cultivation ;

(iii) agricultural lands under the personal cultivation of such person, interspersed within the boundaries of the area cultivated with such crop not exceeding one ceiling area. Provided that any land referred to in item (ii) and held on the appointed day shall not be included in a plantation if it is not cultivated with a plantation crop within a period of five years from the appointed day.

The amendment was adopted.

Mr. SPEAKER.—The question is :

"That Clause 104 as amended stand part of the Bill".

The motion was adopted.

Clause 104 as amended was added to the Bill."

Mr. SPEAKER.—The question is :

"That Clause 105 stand part of the Bill"

The motion was adopted.

Clause 105 was added to the Bill.

Clause 106.

Sri KADIDAL MANJAPPA.—I move :

"That for Clause 106, the following clause shall be substituted, namely :

106. *Compensation to religious institutions, etc.*—(1) In respect of compensation payable to a religious, charitable or other institution capable of holding property, the provisions

of Section 47, 50 and 51 shall have effect, subject to the modifications specified in sub-sections (2), (3) and (4) of this section.

(2) In respect of lands held by such institution, the compensation payable shall, subject to the provisions of sub-section (3), be.—

(*a*) an annuity to be paid so long as the institution exists, equal in amount to the annual rent as on the appointed day but not exceeding the maximum prescribed under Section 8, that the institution was entitled to get in respect of such land : and.

(*b*) (i) the value of trees on the land, which belonged to the institution, the gross produce of which is not taken into consideration for purposes of the annual rent referred to in clause (*a*) ; and.

(ii) the depreciated value of any structures on the land constructed by the institution.

(3) Where the constitution payable to such religious, charitable or other institution under sub-section (2), is subject to any mortgage or other encumbrance, the compensation shall be paid as follows :—

(*a*) Where the institution is entitled to the value referred to in clause (*b*) of sub-section (1) and such value exceeds or is equal to the value of the encumbrance, the value of the encumbrance shall be deducted from such value, and the balance, if any, alone shall be payable under the said clause (*b*) ;

(*b*) Where no value is payable to the institution, under clause (*b*) of sub-section (2), or the value payable under the said clause is less than the value of the encumbrance, an amount aqual to five per cent of the value of the encumbrance or five per cent of the difference between the value of the encumbrance and the value payable under the said clause, as the case may be, shall be deducted from the annuity payable under clause (*a*) of sub-section (2), and the balance if any, alone of the annuity shall be payable to the institution under the said clause (*a*) of sub-section (2) ;

(*c*) the holder of the encumbrance shall, subject to the provisions of clause (*d*), be paid the value of the encumbrance in full ;

(*d*) where the value of the encumbrance exceeds the aggregate of—

(i) the value payable to the institution under clause (*b*) of sub-section (2), and.

(Sri KADIDAL MANJAPPA)

(ii) twenty times the annuity payable under clause (*a*) of sub-section (2),

an amount equal to the aforesaid aggregate alone shall be payable to the holder of the encumbrance and the institution shall not be entitled to any payment ;
and where there are more than one such holder of encumbrance, the said amount shall be distributed in the order of priority.

(4) Subject to the provisions of sub-section (3),

(*a*) the compensation payable to such institution under clause (*b*) of sub-section (2) shall be paid in the manner specified in section 51: and.

(*b*) in respect of the annuity payable to such institution under clause (*a*) of sub-section (2) the State Government shall issue a non-redeemable and non-negotiable annuity bond.''

MR. SPEAKER.—Amendment moved:

"That for clause 106, the following clause shall be substituted, namley:—

"106. *Compensation to religious institutions, etc.*—

(1) In respect of compensation payable to a religious, charitable or other institution capable of holding property, the provisions of sections 47, 50 and 51 shall have effect, subject to the modifications specified in sub sections (2), (3) and (4) of this section.

(2) In respect of lands held by such institution, the compensation payable shall, subject to the provisions of sub-section (3), be—

(*a*) an annuity to be paid so long as the institution exists, equal in amount to the annual rent as on the appointed day but not exceeding the maximum proscribed under section 8, that the institution was entitled to get in respect of such land; and

(*b*) (i) the value of trees on the land, which belonged to the institution, the gross produce of which is not taken into consideration for purposes of the annual rent referred to in clause (a); and

(ii) the depreciated value of any structures on the land constructed by the institution.

(3) Where the compensation payable to such religious, charitable or other institution under sub-section (2), is subject

to any mortgage or other encumbrance, the compensation shall be paid as follows:—

(*a*) Where the institution is entitled to the value referred to in clause (b) of sub-section (1) and such value exceeds or is equal to the value of the encumbrance, the value of the encumbrance shall be deducted from such value, and the balance if any, alone shall be payable under the said clause (*b*);

(*b*) Where no value is payable to the institution, under clause (*b*) of sub-section (2), or the value payable under the said clause is less than the value of the encumbrance, an amount equal to five per cent of the value of the encumbrance or five per cent of the difference between the value of the encumbrance and the value payable under the said clause, as the case may be, shall be deducted from the annuity payable under clause (*a*) of sub-section (2), and the balance, if any, alone of the annuity shall be payable to the institution under the said clause (*a*) of sub-section (2);

(*c*) the holder of the encumbrance shall, subject to the provisions of clause (*d*), be paid the value of the encumbrance in full;

(*d*) where the value of the encumbrance exceeds the aggregate of—

(i) the value payable to the institution under clause (*b*) of sub-section (2), and

(ii) twenty times the annuity payable under clause (*a*) of sub-section (2),

an amount equal to the aforesaid aggregate alone shall be payable to the holder of the encumbrance and the institution shall not be entitled to any payment;

and where there are more than one such holder of encumbrance, the said amount shall be distributed in the order of priority.

(4) Subject to the provisions of sub-section (3).—

(*a*) the compensation payable to such institution under clause (*b*) of sub-section (2) shall be paid in the manner specified in Section 51; and

(*b*) in respect of the annuity payable to such institution under clause (*a*) of sub-section (2) the State Government shall issue a non-redeemble and non-negotiable annuity bond."

Sri B. N. Boranna Gowda.—Sir, I move:

"That for the proposed item (*a*) of sub-clause (2) the following item shall be substituted:—

(*a*) an annuity to be paid so long as the institution exists, equal in amount to the difference between the annual rent or its value in cash (not exceeding the maximum prescribed under

(Sri B. N. BORANNA GOWDA)

Section 8) that the institution was entitled to get and the land revenue, water rate, taxes, cesses, and fees payable, in respect of such land, immediately prior to the date of vesting under Section 44; and''

Mr. SPEAKER.—Amendment moved :

"That for the proposed item (a) of sub-clause (2) the following item shall be substituted :—

"(a) an annuity to be paid so long as the institution exists, equal in amount to the difference between the annual rent or its value in cash (not exceeding the maximum prescribed under Section 8) that institution was entitled to get and the land revenue, water rate, taxes, cesses, and fees payable, in respect of such land, immediately prior to the date of vesting under Section 44 ; and''

Sri M. R. PATIL (Hubli).—I move :

"That in the new sub-clauses (1) and (3) for the words 'religious, charitable or other institution' the words 'religious, charitable or educational institution' shall be substituted''.

Mr. SPEAKER.—Amendment moved :

"That in the new sub-clauses (1) and (3) for the words 'religious' charitable or other institution', the words 'religious, charitable or educational institution' shall be substituted''.

† Sri KADIDAL MANJAPPA.—This amendment is tabled with a view to paying annuity to religious or other charitable institutions whose lands become non-resumable and which lands are going to be registered in the name of tanants. If ordinary compensation is provided in the case of religious or charitable institutions, they will be put to a lot of inconvenience. Therefore, Government after accepting the recommendation of the Planning Commission have thought it fit to provide for payment of annnuity based on the not income according to the fair rent prescribed under Section 8. The annuity will be payable by means of bonds which are non-redeemable and non-negotiable, but if these properties are subject to any encumbrance according to the amendment I have proposed the motgagee or the person who is entitled to recover the amount will be paid out of the compensation amount in accordance with the several provision contained in the Bill. Supposing on the appointed day some institution is holding some property. If it is leased, these institutions will get one-fourth or one- fifth of grosss produce according to Section 8.

Sri J. B. MALLARADHYA.—If the income of the institutions concerned of these various categories is not going to be reduced even by

a pie as a result of the amendment you have suggested, none of us opposes it. Suppose your amendment is likely to bring down the annual income of these institutions what is use of......

Sri KADIDAL MANJAPPA.—If these institutions had been allowed to retain these lands, they would have got rent not exceeding the maximum precribed under Section. 8. So this annuity I have proposed is based on the fair rent as proposed in Section 8 minus the land revenue, csses and other things which they are liable to pay.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಸಾಮಾನ್ಯ ಜನರಿಗೆ ತಿಳಿಯುವಂತೆ ಹೇಳಿ ಸ್ವಾಮಿ.

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಇವತ್ತಿನ ದಿವಸ ಯಾವುದಾದರೂ ಒಂದು ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗೆ ಕೆಲವು ಜಮೀನುಗಳಿದ್ದರೆ ಆ ಜಮೀನುಗಳಿಗೆ ಈಗಿರತಕ್ಕ ಕಾನೂನಿನ ಪ್ರಕಾರ ಗೇಣಿಯನ್ನು ವಸೂಲು ಮಾಡುವ ಅಧಿಕಾರ ಇದೆ. ಈಗಿರತಕ್ಕ ಕಾನೂನು ಎಂದರೆ ಹಳೇ ಮೈಸೂರಿನ ಮಲೆನಾಡು ಭಾಗದಲ್ಲಿ ಒಟ್ಟು ಉತ್ಪನ್ನದ $\frac{1}{4}$ ಭಾಗ. ಮೈದಾನ ಪ್ರದೇಶವಾದರೆ $\frac{1}{3}$ ಭಾಗ ಗೇಣಿರೂಪದಲ್ಲಿ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ಇನ್ನುಮುಂದೆ ಈ ಕಾನೂನು ಜಾರಿಗೆ ಬಂದಾಗ ಅಷ್ಯೂರ್ಡ್ ಇರಿಗೇಷನ್ ಫೆಸಿಲಿಟೀಸ್ ಇದ್ದರೆ $\frac{1}{4}$ ಭಾಗ. ಇಲ್ಲದೇಇದ್ದರೆ 5/1 ಭಾಗದ ಉತ್ಪನ್ನವನ್ನು ಗೇಣಿ ರೂಪದಲ್ಲಿ ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ಇದೇ ಆಧಾರದಮೇಲೆ ಅವರಿಗೆ annuity ಕೊಡಬೇಕೆಂದು ನನ್ನ ತಿದ್ದುಪಡಿಯನ್ನು ಸೂಚಿಸಿದ್ದೇನೆ. ಕಂದಾಯ, ಸರ್ಚಾರ್ಜ್ ವಗೈರೆ ಏನು ಕೊಡಬೇಕಾಗುತ್ತದೆಯೋ ಅದನ್ನು ವಜಾ ಮಾಡಿಕೊಂಡು ಉಳಿದದ್ದನ್ನು ಸಾರೋದ್ಧಾರವಾಗಿ ಆ ಸಂಸ್ಥೆಗಳು ಇದುವರೆಗೂ ಕೊಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕಲ್ಪಿಸಿ ಕೊಡಲಾಗಿದೆ.

I accept the amendment of Sri Boranna Gowda.

So far as the amendment of Sri R. M. Patil is concerned, the lands held by religious, educational and Charitable Institutions and other institutions capable of holding property become non-resumable. There may be some institutions apart from all these categories. Therefore, it may not be appropriate to include the words 'educational institutions'.

Mr. SPEAKER:—The question is:

"That for the proposed item (*a*) of sub-clause (2) the following item shall be substituted:—

(a) an annuity to be paid so long as the institution exists, equal in amount to the difference between the annual rent or its value in cash (not exceeding the maximum prescribed under section 8) that the institution was entitled to get and the land revenue, water rate, taxes, cesses, and fees payable, in respect of such land, immediately prior to the date of vesting under Section 44 and"

The amendment was adopted.

Sri M. R. PATIL.—I beg leave to with draw my amendment.

(*The amendment, was by leave of the House, withdrawn*)

Mr. SPEAKER.—Now I will put the amendment of the Minister as amended by Sri Boranna Gowda's amendment to vote. The question is:

"That for clause 106, the following clause shall be substituted, namely:—

106. *Compensation to religiousinstitution*

(1) In respect of compensation payable to a religious, charitable or other institution capable of holding property, the provisions of sections 47, 50 and 51 shall have effect, subject to the modifications specified in sub-sections (2), (3) and (4) of this section.

(2) In respect of lands held by such institution, the compensation payable to the provisions of sub-section (3), be—

(*a*) an annuity to be paid so long as the institution exists, equal in amount to the difference between the annual rent or its value in cash (not exceeding the maximum prescribed under section 8) that the institution was entitled to get and this Land Revenue, water rate, taxes, cesses and fees payable in respect of such land immediately prior to the date of vesting under Section 44 and.

(*b*) (*i*) the value of trees on the land, which belonged to the institution, the gross produce of which is not taken into consideration for purposes of the annual rent referred to in clause (*a*); and

(*ii*) the depreciated value of any structures on the land constructed by the institution

(3) Where the compensation payable to such religious charitable or other institution under sub-section (2), is subject to any mortgage or other encumbrance, the compensation shall be paid as follows:—

(*a*) Where the institution is entitled to the value referred to in clause (*b*) of sub-section (1) and such value exceeds or is equal to the value of the encumbrance, the value of the encumbrance, shall be deducted from such value, and the balance, if any, alone shall be payable under the said clause (*b*);

(*b*) Where no value is payable to the institution, under clause (*b*); (*b*) of sub-section (2), or the value payable under the said clause is less than the value of encumbrance, an amount equal to five per cent of the value of encumbrance or five per cent of the difference between the value of the encumbrance and the value payable under the said clause as the case may be shall be deducted from the annuity payable under clause (*a*) of sub-section (2), and the balance, if any, alone of the annuity shall be payable to the institution under the said clause (*a*) of sub-section (2);

(*c*) the holder of the encumbrance shall, subject to the provisions of clause (*d*), be paid the value of the encumbrance in full;

(*d*) where the value of encumbrance exceeds the aggregate of—

(*i*) the value payable to the institution under clause (b) of sub-section (2), and

(*ii*) twenty times the annuity payable under clause (a) o sub-section (2),

an amount equal to the aforesaid aggregate alone shall be payable to the holder of the encumbrance and the institution shall not be entitled to any payment,

and where there are more than one such holder of encumbrance, the said amount shall be distributed in the order of priority.

(4) Subject to the provisions of sub-section (3),—

(*a*) the compensation payable to such institution under clause (*b*) of sub-section (2) shall be paid in the manner specified in section 51; and

(*b*) in respect of the annuity payable to such institution under clause (*a*) of sub-section (2) the State Government shall issue a non-redeemable and not negotiable annuity bond."

The amendment was adopted.

Mr. SPEAKER.—The question is:

"That Clause 106 as amended stand part of the Bill."

The motion was adopted.

Clause 106 as amended was added to the Bill.

Mr. SPEAKER.—Clause 107. The question is:

"That Clause 107 stand part of the Bill."

The motion was adopted.

Clause 107 was added to the Bill.

Mr. SPEAKER.—There is an amendment as clause 107A.

Sri B. G. KHOT.—I don't wish to move this amendment.

Mr. SPEAKER.—Clause 108.

Sri S. D. KOTHAWALE.—Sir, I move:

"That in the proviso (*a*) to Clause 108, for the words 'unless the court considers that such dispossession is necessary', the words and figures 'except in accordance with the provisions of Section 22" shall be substituted."

Mr. SPEAKER.—Amendment moved:

"That in the proviso (*a*) to clause 108, for the words 'unless the court considers that such dispossession is necessary,' the words and figures 'except in accordance with the provisions of Section 22' shall be substituted."

Sri KADIDAL MANJAPPA.—I accept the amendment.

Mr. SPEAKER.—The question is:

"That in the proviso (a) to clause 108, for the words 'unless the court considers that such dispossession is necessary' the words and figures 'except in accordance with the provisions of section 22' shall be substituted."

The amendment was adopted.

Mr. SPEAKER.—The question is:

"That Clause 108, as amended stand part of the Bill".

The motion was adopted.

Clause 108, as amended was added to the Bill.

Mr. SPEAKER.—Clause 109. The question is:

"That Clause 109 stand part of the Bill."

The motion was adopted.

Clause 109 was added to the Bill.

Mr. SPEAKER.—Clause 110.

12-00 Noon

Sri J. B. MALLARADHYA.—Sir, I beg to move.

"That at the end of the clause the words 'subject to such rules as may be prescribed', shall be added."

Mr. SPEAKER.—Amendment moved.

"That at the end of the clause the words 'subject to such rules as may be prescribed', shall be added."

Sri J. B. MALLARADHYA.—Sir, these words are very necessary. I do not know the Hon'ble Revenue Minister should not accept it. In every other section, they have said subject to such rules, but it is left in this section.

Sri KADIDAL MANJAPPA.—Sir, it is a discretion vested with Government. When a notification is issued, it will be said that certain lands stated in 103 should not be exempted. Provision is made in 110 that lands of any one of the category mentioned in 103 should not enjoy exemption. Government will issue notification.

Mr. SPEAKER.—The question is:

" That at the end of the clause the words 'subject to such rules as may be prescribed', shall be added".

The amendment was negatived.

Mr. SPEAKER.—The question is.

"That Clause 110 stand part of the Bill"

The motion was adopted.

Clause 110 was added to the Bill.

Mr. SPEAKER.—Clause 111. Sri Puttanna is not here. The question is.

"That Clause 111 stand part of the Bill."

The motion was adopted

Clause 111 was added to the Bill.

Mr. SPEAKER.—Clause 112. There is an amendment.

Sri KADIDAL MANJAPPA.—I beg to move.

"That before item (*a*) the following item shall be inserted, and items a, b, c, d, etc. shall be renumbered as b, c, d,e etc. under Clause 31 of sub-section (1) of section 2."

Mr. SPEAKER.—Amendment moved:

"That before item (*a*) the following item shall be inserted and items a. b, c, d, etc. shall be renumbered as b, c, d, e, etc, to decide whether a person is a small holder or not under Clause 31 of sub-section (1) of Section 2,"

Sri V. S. PATIL (Belgaum I).—I beg to move:

"That in item (*a*) for the words 'or not' the words 'or trespasser' shall be substituted."

"In item (*g*) the following words shall be added at the end: 'and to decide the disputes between tenants *inter se.*',

"In item (*a*) before the figures '72' the figures and word '71' and shall be inserted".

Mr. SPEAKER.—Amendment moved:

"That in item (*a*) for the words 'or not' the words 'or trespasser' shall be substituted."

"In item (*g*) the following words shall be added at the end 'and to disputes between tenants *inter se.*' "

"In item (*g*) before the figures '72' the figures and word '71' and shall be inserted".

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಸ್ಮಾಲ್ ಹೋಲ್ಡರ್ ಯಾರು ಎಂಬುದನ್ನು ನಿರ್ಧರಿಸಲು ನನ್ನ ತಿದ್ದುಪಡಿಯು ಸಹಾಯ ಮಾಡುತ್ತದೆ. ಇದರಲ್ಲಿ ಹೆಚ್ಚಿಗೆ ಬದಲಾವಣೆಯೇನೂ ಇಲ್ಲ.

†Sri V. S. PATIL.—Sir, so far as my amendment is concerned, in Bombay Act, the same wording is there. But can High Court of Mysore have said that no declaration c an be given a negative form. In case where a suit if filed that he is a trespasser, then the matter goes to Civil Court and then the whole matter is sent back to the tribunal. So, it is a simple matter whether the tenant or the trespasser, we have to run from one court to another and the matter would be pending for years to come. In order to obviate this difficulty, let the Tribunal be empowered to decide whether the man is a trespasser or a tenant. Then, the matter can be disposed of very

(Sri V. S. PATIL)

easily quickly. To obviate the difficulty that we are experiencing for the last ten years, I have put this amendment.

The next amendment that I have proposed is, there are several cases pending before the authorities as to whether one person is a tenant or the other person is a tenant: The Mysore High Court has ruled that the dispute between the tenants cannot be decided by an Authority and it must go to a Civil Court. So, if they do not add this word, the same position will remain and persons will have to run from the Revenue Courts or the Tribunal and the Civil Court. T herefore,I have proposed this amendment.

The third amendment is, certain compensation has to be paid to the person displaced and to decide that compensation as mentioned, there is no Authority under Section 71,

Sir, we have made some provision that some particular person is to be given some compensation for the dispossession of the land. But who has to decide? No provision has been made here and ultimately the man will have to be driven to go to Civil Court. That would be against the principle of this law. That is why I have included that Section 71 also should be included before this figure 72; and I submit that there are formal amendments which are quite essential so far as the smooth working of the Act is concerned. That is why I have proposed this amendment.

Sri KADIDAL MANJAPPA.—Sir, I have no objection to accept the amendment proposed. No. 226. Others are not acceptable. There is no need to accept them.

Mr. SPEAKER.—The question is:

"That in item (*a*) for the words 'or not' the words 'or trespassers' shall be substituted."

The motion was negatived

Mr. SPEAKER.—The question is:

"That in item (*g*) the following words shall be added at the end:— 'and to decide the disputes between tenants *inter-se*'."

The motion was negatived

Mr. SPEAKER.—The question is:

"That in item (*z*) before the figures '72' the figures and word '71 and' shall be inserted."

The amendment was adopted.

Mr. SPEAKER.—I will now put the Minister's amendment to the vote.

The question is:

"That before item (a) the following shall be inserted and item (a), (b), (c), (d), etc., shall be renumbered as (a), (b), (c), (d), (e), etc., to decide whether a person is a small holder or not under Clause 31 of sub-section (1) of Section 2."

The amendment was adopted.

Mr. SPEAKER.—The question is:

"That clause 112 as amended stand part of the Bill."

The motion was adopted.

Clause 112 as amended was added to the Bill.

Sri J. B. MALLARADHYA.—Sir, if we should close at 12-30 P.M. Two clauses are very important-clauses 67 and 126 and may be taken up first and others may be guillotined. We will withdraw other amendments.

Mr. SPEAKER.—Clause 66. There is an amendment.

Sri M. C. NARASIMHAN.—I beg to move:

'That at the end of item (*b*) of sub-clause (1) the following words shall be added, namely:-

The declaration shall also contain a statement in the prescribed manner indicating the particulars of land, if any, the land owner has come to possess whether by transfer, sale, gift, partition or by any other manner after 10th September 1957."

Mr. SPEAKER.—Amendment moved:

'That at the end item (*b*) of sub-clause (1) the following words shall be added, namely:-

The declaration shall also contain a statement in the prescribed manner indicating the particulars of land, if any, the land owner has come to possess whether by transfer, sale, gift, partition or by any other manner after 10th September 1957."

†Sri M. C. NARASIMHAN.—This is only a formal amendment. It is said in this that the declaration must be done as to whether any transfers or partitions have taken place after the enactment of this law. It is related to Clause 67 where in we have suggested that partition and sale, etc., which have the character of defeating the ceiling partition must be prohibited.

†KADIDAL MANJAPPA.—Sir, this point was discussed by the Select committee and thereafter too. In the Bills or in the enactments in other States which provide for disregarding the alienations that have taken place after the publication of the Bill. In the orginal Bill such a provision was made. But in this case, such a provision had not been made in the original Bill. According to the law now in force, there is no bar against the partition or alienation. So, it is thought that it is not necessary to disregard alienations that have taken place subsequent to 1957. Further, with regard to partition I should add one word more. Partition is the right of every person who is a co-sharer. Therefore, that right cannot be taken away.

With these observations, I oppose this amendment.

MR. SPEAKER.—The question is:

"That at the end of item (*b*) of sub-clause (1) the following words shall be added, namely:-

The declaration shall also contain a statement in the prescribed manner indicating the particulars of land, if any, the land owner has come to possess any other manner after 10th September 1957."

The amendment was negatived

MR. SPEAKER.—The question is:

"That Clause 66 stand part of the Bill."

The motion was adopted

Clause 66 was added to the Bill.

MR. SPEAKER.—Clause 67. There is an amendment.

Sri M. C. NARASIMHAN.—Sir, I beg to move:

"That at the end of sub-clause (1) the following words sha be added, namely:-

In determining the surplus land, if the tribunal is satisfied that after 10th September 1957, the land-owner has transferred or partitioned land with a view to defeat the object of this Act, then in calculating the ceiling area which that person is entitled to hold the area so transferred or partitioned shall be taken into consideration and the land exceeding the ceiling area so calculated shall be deemed to be in excess of the ceiling area for that holding notwithstanding that the land remaining with him may not in fact be in excess of the ceiling area. If by reason of such transfer or partition the persons holding is less than the area so calculated to be in excess of the ceiling area, then all his land shall be deemed to be surplus land; and out of the land so transferred or partitioned and in possession of his transferee land to the extent of such deficiency shall subject to the rules made in that behalf, also

be deemed to be surplus land notwithstanding that the holding of the transferee may not in excess of the ceiling area."

Explanation.—All transfers and partitions made after 10th September 1957 but before the apponited day (unless the contrary is proved) to have been made with a view to defeat the object of the Act. "

Mr. SPEAKER. —Amendment moved:

" That at the end of sub-clause (1) the following words shall be added, namely:—

In determining the surplus land if the tribunal is satisfied that after 10th September 1957 the land-owner has transferred or partitioned land with a view to defeat the object of this Act, then in calculating the ceiling area which that person is entitled to hold the area so transferred or partitioned shall be taken into consideration and land exceeding the ceiling area so calculated shall be deemed to be in excess of the ceiling area for that holding notwithstanding that the land remaining with him may not in fact be in excesss of the ceiling area. If by reason of such transfer or partition the persons holding is less than the area so calculated to be in excess of the ceiling area, then all his land shall be deemed to be surpuls land; and out of the land so transferred or partitioned and in possession of his transferred land to the extent of such deficiency shall subject to the rules made in that behalf, also be deemed to be surplus land notwithstanding that the holding of the transferee may not in fact be in excess of the ceiling area."

Explanation.—All transfers and partitions made after 10th September 1957 but before the appointed day (unless the contrary is proved) to have been made with a view to defeat the objects of the Act. "

Sri M. C. NARASIMHAN.—Sir, I have only one word to say. The Planning Commission had made this recommendation and with this end in view, they have taken this into account in the Maharashtra Act.

†ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಸ್ವಾಮಿ, ಈ ವಿಧೇಯಕದಲ್ಲಿ ಯಾವುದಾದರೂ ಗೊತ್ತಾದ ತಾರೀಕಿನಿಂದ ಪಾರೀಕತ್ತುಗಳನ್ನು ಮಾಡಿದ್ದರೆ ಅವನ್ನು ರದ್ದು ಮಾಡಬೇಕೆಂದು ಹೊಸದಾಗಿ ನಮೂದು ಮಾಡಿದರೆ ಅನೇಕ ಪಾರಿಕತ್ತುಗಳಿಗೆ ತೊಂದರೆಯಾಗುತ್ತದೆ. ಆದುದರಿಂದ ಇದು ಅನಾವಶ್ಯಕ ಮತ್ತು ಜನಗಳಿಗೆ ಇದರಿಂದ ಲಟಿಗೇಷನ್ನುಗಳಿಗೆ ಅವಕಾಶವಾಗುತ್ತದೆ. ಇದು ಅನಾವಶ್ಯಕ ಎಂದು ಬಹು ಜನಗಳ ಅಭಿಪ್ರಾಯ.

Mr. SPEAKER.— The question is :

" That at the end of sub-clause (1) the following words shall be added, namely:—

In determining the surplus land if the tribunal is satisfied that after 10th September 1957 the landowner has transferred

(MR. SPEAKER)

or partitioned land with a view to defeat the object of this Act, then in calculating the ceiling area which that person is entitled to hold the area so transferred or partitioned shall be taken into consideration and land exceeding the ceiling area so calculated shall be deemed to be in excess of the ceiling area for that holding—notwithstanding that the land remaining with him may not in fact be in excess of the ceiling area. If by reason of such transfer or partition the persons holding is less than the area so calculated to be in excess of the ceiling area, then all his land so transferred or partitioned and in possession of his transferee land to the extent of such deficiency shall subject to the rules made in that behalf, also be deemed to be surplus land notwithstanding that the holding of the transferee may not in fact be in excess of thee ceiling area."

Explanation.— All transfers and partitions made after 10th September 1957 but before the appointed day (unless the contrary is proved) to have been made with a view to defeat the objects of the Act."

The amendment was negatived.

MR. SPEAKER.—The question is:

"That Clause 67 stand part of the Bill.'

The motion was adopted.

Clause 67 was added to the Bill.

MR. SPEAKER.—New Clause 83A. There is an amendment.

SRI V. SREENIVASA SHETTY.—Sir, I beg to mave:

"That after Clause 83 the following new clause shall be added as Clause 83A under Chapter V :—

83A. No alienation of any land made after 29th November 1958 with a view to defeat the provisions of this Act shall be vailed."

MR SPEAKER.—Amendment moved.

"That after Clause 83 the follewig new clause shall be added as Clause 83A under Chapter V :—

83A. No alienation of any land made after 29th November 1958 with a view to defeat the provisions of this Act shall be vailed."

SRI SREENIVASA SHETTY.—Sir, I am not proposing and all alienations should be void. I have made it specifically plain in this. I have only brought in alienations made after 28th November 1958 when this Bill was published. After the Bill was published, with a view to defeated

the provisions of this Act, if any alienations are made, shall be void. *bona fide* transfers will not be effected. Even the other day, when the Planning Commission discussed the matter with the Revenue Minister they have made a specific suggestion to this effect. Why did the Revenue Minister not tell the Planning Commission that since there is no provision in the Bill itself we are unable to do anything in the matter ? He was very silent in this matter. He seems to have agreed with the Planning Commission to make a specific provision and now he is saying that since a large number of persons have already made alienations possibly with a view to defeating the provisions of this Bill we are not going to touch them. This amendment is only in consonance with the wishes of the Planning Commission itself and I hope hewill accept this.

Sri KADIDAL MANJAPPA.—We heve already made a similar provision in another clause and so I cannot accept this amendment.

Mr. SPEAKER.—The question is :

"That after Clause 83 the following new clause shall be added as Clause 83A under Chapter V:—

83A No alienation of any land made after 29th November 1958 with a view to defeat the provisions of this Act shall be valid."

The amendment was negatived

Clause 2.

Mr. SPEAKER.—The Minister's amendment has already been moved and partly discussed.

Sri J. B. MALLARADHYA.—I beg to move an amendment to the amendment :

"That in item (31) the words 'whose total annual net income including the income from such land does not exceed Rs. 1,200' occurring at the end shall be deleted."

Mr. SPEAKER.—Amendment moved :

"That in item (31) the words 'whose total annual net income including the income from such land does not exceed Rs. 1,200' occuring at the end shall be deleted."

†Sri J. B. MALLARADHYA.—Nowhere in the Bill have we correlated income to the extent of land. I do not know why in this particular clause they have stated 4 standard acres. Suppose a man owns only 4 standard acres and his income exceeds Rs. 1,200, what is the Minister going to do ? In my opinion the whole thing is ill-conceived and so those words should be deleted. If it is intended to see that agricultural Production increases and for that purpose if you put it at 4 standard acres I am prepared to accept, but why is there this restriction regarding income. Suppose a peon is working in the Secretariat and he has got land about 4 acres, why do you then put the restriction of Rs. 1,200 income ? I do not know what is at the back of the Revenue Minister ?

† Sri V. SRINIVASA SHETTY.—We have carefully examined the latest report of the Planning Commission after the Minister's discussion with them. They have gone up to 6 standard acres, but here we are limiting it to 4 standard acres. We have also examined the Kerala Bill and there even the Communist Government did not put any condition on small holding. They have said 5 acres without any condition. I do not know why the Minster who is so good to so many people like big holders and planters and temples and mutts, is so harsh against the small holders. So far as the Opposition is concerned, it is agreed by all sections that the small holders ought to be treated with leniency. This is a very reasonable amendment we are proposing.

† Sri M. C. NARASIMHAN.—The small holder is permitted to lease his lands. If we put a limit of Rs. 1,200 on his income, then many people may not be able to avail of this opportunity and only a very small section may be able to avail of this concession which we have given to small holders. So I submit that this restriction of income of Rs. 1,200 should be removed.

† Sri KADIDAL MANJAPPA.—Small holder becomes relevant only for the purpose of future leases; with regard to other matters there is no bar. In the original caluse as reported by the Select Committee it is stated that a small holder can resume up to half the area provided the protected tenant was left with atleast a basic holding or the area cultivated by him whichever is less. According to the amendement which the House has accepted a person who is owning two basic holdings can resume half the area leased to the tenant subject to the condition that the protected tenant is left with atleast one standard acre. That means to that extent a person who is owning land not exceeding two basic holdings will be benefiting. What will be the extent of two basic holdings ? In the district of South Kanara it will be 8 ordinary acres of wet land. It is quite possible that a person owning two basic holdings resumes half and cultivates it personally. My friend opposite was referring to peons in the Central Government service. I should say that if we compare the agriculturists with the peons, are much better off and so our sympathy should go to the poor agriculturist. If a peon has not chosen to cultivate the land for several years and if he wants to cultivate, he can resume half the area ; he can get 4 acres to cultivate the land personally. Otherwise let the poor agriculturist who has been cultivating the land all these years cultivate. You should not deprive him of his means of livelihood. ಯಾವನು ಗೇಣಿದಾರನಾಗಿದ್ದಾನೋ ಅವನೇ ಭೂಮಿಗೆ ಮಾಲೀಕನಾಗಬೇಕೆಂದು ರೂಲ್ಸಿನಲ್ಲಿ ಅಳವಡಿಸಿರುವಾಗ Bankers, industrialists and others will hereafter partition their estates and allot at the rate of 8 acres to everybody and then go under the colour of small holders.

12-30 P.M.

MR. SPEAKER.—The question is:

"That in item (31) the words 'whose total annual net income including the income from such land does not exceed one

thousand two hundred rupees' occurring at the end shall be deleted."

The amendment was negatived

Mr. SPEAKER.—The question is:

"That for item (31) of sub-clause (1) the following item shall be substituted, namely:—

(31) 'Small holder' means a land owner owning land not exceeding two basic holding whose total annual net income including the income from such land does not exceed one thousand two hundred rupees."

The amendment was adopted

Mr. SPEAKER.—The question is:

"That Clause 2 as amended stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill.

Clause 113

Mr. SPEAKER.—The question is :

"That Clause 113 stand part of the Bill."

The motion was adopted

Clause 113 was added to the Bill.

Mr. SPEAKER.—We will take up Clause 126

Clause 126

Sri M. C. NARASIMHAN.—I beg to move:

"That after clause 126 the following new clause shall be added as 126A:—

126A Notwithstanding anything contained in the foregoing or in any other law whether repealed under section 142 or for the time being in force, or decree of any court of law or agreement or lease, all arrears of rent outstanding on June 1960 or the appointed date shall be deemed to be fully discharged on payment of one year's rent by the tenant at a rate exceeding as prescribed in section 8 and in accordance with the provisions of this Act".

Mr. SPEAKER.—Amendment moved:

"That after clause 126 the following new clause shall be added as 126A :—

126A Notwithstanding anything contained in the foregoing or in any other law whether repealed under section 142 or for the time being in force, or decree of any court of law or agreement or lease, all arrears of rent oustanding on June

(Mr. SPEAKER)

1960 or the appointed date shall be deemed to be fully discharged on payment of one year's rent by the tenant at a rate not exceeding as prescribed in Section 8 and in accordance with the provisions of this Act."

†Sri M. C. NARASIMHAN.—This was an important point which came up for consideration when a amendment tabled by Hon'ble. Sri Mallaradhya was taken up in the first list. At that time Hon'ble. Revenue Minister promised to consider this matter. We felt at that stage that he was in sympathy with the idea of granting this concession. Even the Chief Minister remarked the other day that if rent is in arrears for more than 3 years it should not be a charge on the tenant. We suggest that it should be reduced to 2 years. This is a reasonable concession. After the act comes into force, the rate of rent is definitely lower.

I would invite the attention of the House to a similar provision in Kerala Act. It goes further than my amendment. In the case of tenants in arrears of rent upto 5 years, One year's rent is the maximum between 5 and 15 years, it is 2 years rent and so on. I thought that scheme may not be acceptable. This is a simpler amendment to which the Hon'ble Minister could have no objection. I have no objection for a slight change in the amendment, if the principle is accepted.

†Sri V. SRINIVASA SHETTY.—When I moved my amendment, No. 107 in the first list, I felt that the Hon'ble Revenue Minister was very sympathetic to the suggestion because laws enacted in other States contain such a provision. The Revenue Minister oftentimes expresses his sympathy to the under-dog and he must be knowing that a very large number of tenants do not get receipts for payment of rent. We have made specific provisions for ejection of tenants for arrears of rent, past or future, Even now it is going on. I know there are good landlords also. They accept the rent, they do not give the receipt and the tenant does not object because the relationship between them is cordial and they expect no trouble. That relationship will however get strained after the enforcement of the land reforms because the landlord will find that he cannot resume his lands and the tenants would obstruct him. The remedy for the landlord is simple indeed. He has just to rush to the tribunal to say that he has not received rents. What answer could the poor tenant give in such circumstances. I know as a lawyer, how difficult it would be for the tenant to provide discharge without a single paper. He will have to produce witnesses for having paid rent for 3 years. No court will accept such a discharge. The next course is the landlord would get the tenant evicted or compel him to pay the rent for 3 years. In 99 per cent of the cases such a thing will happen. The Hon'ble Revenue Minister who professes sympathy to the down-trodden is duty bound to make a provision for the protection of the tenants in such cases. If the Government refuses to accept

the amendment, the situation would be depressing indeed and we have conclude that all talk of reforming land tenure is mere bogus. I am prepared to agree for 2 years, if one year is totally unacceptable. The present limitation is 3 years is no concession to anybody because no landlord can claim for more than 3 years.

†Sri K. PUTTASWAMY.—I appreciate the force of the argument advanced by Hon'ble Sri Srinivasa Shetty but I think Clause 42 has escaped his notice. Clause 42 meets the situation that Mr. Shetty has in mind.

Sir, his argument is that after the appointed day, the landlord would like to evict the tenant and take possession of the land or after this Act comes into force. Under those circumstances when the landlord is disappointed, he would rush to court and make a false plea and try to recover the rent for three years. Section 42 has contemplated such a contingency. Section 42 deals with procedure for recovery of rent Sri Srinivasa Shetty referred to Section 42 (4).

It says:

> "(4) For purpose of the Indian Limitation Act, 1908, an application under this Section shall be deemed to be a suit for arrear of rent, but the period of limitation shall be one year."

After this Act comes in to force, no landlord can file an application for recovery of rent for more than one year because the period of limitation prescribed itself is one year. Therefore, Sir, if only Sri Srinivasa Shetty has paid attention to Section 42, he would not have pressed this amendment.

Sri V. SRINIVASA SHETTY.—Does it apply to past arrears? It only applies to future.

Sri K. PUTTASWAMY.—42 (1) says:

> "Notwithstanding anything contained in any agreement or in any law for the time being in force, no suit or other proceeding shall lie in any Court or before any other authority for recovery of any rent payable by a tenant, except as provided in this section."

Under this section the period of limitation is one year. So, after the appointed day, no landlord can file an application for recovery of rent for more than one year.

Sri J. B. MALLARADHYA.—I would like the Hon'ble Revenue Minister to visualise two cases, namely suits pending in courts on the date of passing of this Bill and cases where decrees or orders have already been passed by the Court. With reference to these two cases, I do not think any provision exists. Please Section 22 of this Bill. It says:

> "(a) that the tenant has failed to pay the rent of such land on or before the due date during two consecutive years..."

(Sri J. B. MALLARADHYA)

What I say is whatever be the duration of the default, whatever be the quantum of arrears of rent, if you make provision in the Bill that landlord has got a right to recover only arrears of rent to a maximum of two years on the date fixed by us, I think it is better.

Sri KADIDAL MANJAPPA.—Hon'ble Members are frequently making references to me and to the Chief Minister as having sympathies towards the downtrodden. We have taken into account the concensus of opinion and in accordance with the concensus of opinion, we feel there is no need for this particular amendment.

Mr. SPEAKER.—The question is:

"That after Clause 126 the following new clause shall be added as 126:—

126A. Notwithstanding anything contained in the foregoing or in any other law whether repealed under Section 142 or for the time being in force, or decree of any court of law or agreement or lease, all arrears of rent outstanding on June 1960 or the appointed date shall be deemed to be fully discharged on payment of one year's rent by the tenant at a rate not exceeding as prescribed in Section 8 and in accordance with the provisions of this Act."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That Clause 114 stand part of the Bill".

The motion was adopted.

Clause 114 was added to the Bill.

Mr. SPEAKER.—Clause 115. I will put Sri V. S. Patil's amendment to vote. The question is:

"That in sub-clause (3) for the word 'post' the word 'registered' shall be substituted."

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That Clause 115 stand part of the Bill."

The motion was adopted.

Clause 115 was added to the Bill.

Mr. SPEAKER.—The question is:

"That Clauses 116 to 141, both inclusive, stand part of the Bill.

The motion was adopted.

Clauses 116 to 141, both inclusive, were added to the Bill.

Mr. SPEAKER.—Clause 142. There is an amendment by the Hon'ble Minister. I will put it to vote. The question is:

"That in sub-clause (1) after the words and figures 'enactments specified in Schedule III to this Act' the words 'and any other provision of law corresponding to the priovisions of this Act' shall be inserted"

The amendment was adopted.

Mr. SPEAKER.—The question is:

"That Clause 142, as amended, stand part of the Bill"

The motion was adopted.

Clause 142, as amended, was added to the Bill.

Mr. SPEAKER.—The question is:

"That Schedules I, II and III stand part of the Bill"

The motion was adopted.

Schedules I, II and III were added to the Bill.

Mr. SPEAKER.—The question is:

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. There is an amendment of Sri V. S. Patil to Title and Preamble. The question is :

"That in the Preamble after the words 'land holdings' the words 'equitable distribution of land, increase of agricultural production' shall be inserted."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That the Preamble and the Short Title stand part of the Bill."

The motion was adopted.

The Preamble and the Short Title were added to the Bill.

Motion to pass.

Sri KADIDAL MANJAPPA.—I beg to move:

" That the Mysore Land Reforms Bill, 1961 as reported by the Joint Select Committee and as amended, be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Land Reforms Bill, 1961 as reported by the Joint Select Committee, and as amended, be passed."

The motion was adopted.

Mr. SPEAKER.—I thank the Hon'ble Members very much. The House now adjourns *sine die.*

The House adjourned sine die *at Fifty Minutes past Twelve of the Clock.*